RESPONSES TO CONTEMPORARY MARITIME PIRACY IN THE GULF OF GUINEA: THE CASE OF GHANA

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LEGON DECEMBER 2014
DECLARATION

I, Amidu Mohammed Karande, do hereby declare that this work is entirely by my personal effort. I further declare that all the works that have been consulted or quoted have been duly acknowledged. I also declare that this dissertation has not been presented either in part or in whole for any other degree elsewhere.

AMIDU MOHAMMED KARANDE
(STUDENT)

DR. KEN AHORSU
(SUPERVISOR)

DATE ............................................  DATE ............................................
DEDICATION

I dedicate this piece of work to my wife Helen, and my Children Salma, Fawzan and Ikraam.
ACKNOWLEDGEMENTS

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I cannot end this without thanking the staff of LECIAD and KAIPTC libraries for their immense support throughout the research period.
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<tr>
<td>ACC</td>
<td>Area Control Centers</td>
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<tr>
<td>AFRICOM</td>
<td>The US Africa Command</td>
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<td>AIMS</td>
<td>Africa Integrated Maritime Strategy</td>
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<td>AIS</td>
<td>Automatic Identification System</td>
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<td>APS</td>
<td>African Partnership Station</td>
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<td>AQIM</td>
<td>Al Qaeda in the Islamic Maghreb</td>
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<td>CEMZA</td>
<td>Combined Exclusive Maritime Zone of Africa</td>
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<tr>
<td>CFTA</td>
<td>Continental Free Trade Area</td>
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<tr>
<td>CHANS</td>
<td>Chiefs of African Navies and/or Coast Guards</td>
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<td>CHRAJ</td>
<td>Commission of Human Rights and Administrative Justice</td>
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<td>CLC</td>
<td>Civil Liability Convention</td>
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<td>CNPC</td>
<td>China’s National Petroleum Corporation</td>
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<td>CRESMAC</td>
<td>Centre for Maritime Security in Central Africa</td>
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<td>CRIMGO</td>
<td>Critical Maritime Routes in the Gulf of Guinea</td>
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<td>CSO</td>
<td>Civil Society Organisation</td>
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<td>ECCAS</td>
<td>Economic Community of Central African States</td>
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<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<tr>
<td>EOCO</td>
<td>Economic and Organised Crime Office</td>
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<tr>
<td>GAF</td>
<td>Ghana Armed Forces</td>
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<td>GMA</td>
<td>Ghana Maritime Authority</td>
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<td>GMDSS</td>
<td>Global Maritime Safety and Distress Systems</td>
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<td>GYEEDA</td>
<td>Ghana Youth Employment and Entrepreneurial Development Agency</td>
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<td>IMB</td>
<td>The International Maritime Bureau</td>
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<tr>
<td>IMO</td>
<td>International Maritime Organization</td>
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<tr>
<td>INTERTANKO</td>
<td>International Association of Independent Tanker Owners</td>
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<td>ISPS</td>
<td>International Ship and Port Facility Security</td>
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<tr>
<td>IUU</td>
<td>Illegal Unregulated and Unreported</td>
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<tr>
<td>KAIPTC</td>
<td>Kofi Annan International Peace Keeping Training Centre</td>
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<tr>
<td>LRIT</td>
<td>Long Range Identification and Tracking</td>
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<td>MARPOL</td>
<td>Marine Pollution from Ships</td>
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<td>MDA</td>
<td>Maritime domain Awareness</td>
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<td>MEND</td>
<td>Movement for the Emancipation of the Niger Delta</td>
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<tr>
<td>MOCC</td>
<td>Maritime Operational Coordination Centers</td>
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<tr>
<td>MOWCA</td>
<td>Maritime Organization of West and Central Africa</td>
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<tr>
<td>MPU</td>
<td>Ghana Marine Police Unit</td>
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<tr>
<td>MTSIC-GoG</td>
<td>Maritime Trade Information Sharing Centre-Gulf of Guinea</td>
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<tr>
<td>MUJAO</td>
<td>Movement for Unity and Jihad in West Africa</td>
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<tr>
<td>NACAP</td>
<td>National Anti-corruption Action Plan</td>
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<tr>
<td>NCC</td>
<td>National Control Center</td>
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<tr>
<td>NDPVF</td>
<td>Niger Delta Peoples’ Volunteer Force</td>
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<td>NDSF</td>
<td>Niger Delta Strike Force</td>
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<td>NDV</td>
<td>Niger Delta Vigilantes</td>
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<td>NTOA</td>
<td>Nigerian Trawler Owners Association</td>
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<tr>
<td>NYA</td>
<td>National Youth Administration</td>
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<td>NYEP</td>
<td>National Youth Employment Programme</td>
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<td>OPRC</td>
<td>Oil Pollution Preparedness Response and Co-operation Convention</td>
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<tr>
<td>OPS</td>
<td>Operation Pulo Shield</td>
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<td>OPV</td>
<td>Offshore Patrol Vessels</td>
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<td>Acronym</td>
<td>Description</td>
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<tr>
<td>OSERIA</td>
<td>Oceans and Seas Research Institute of Africa</td>
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<td>PIAC</td>
<td>Public Interest &amp; Accountability Committee</td>
</tr>
<tr>
<td>RBS</td>
<td>Remote Base Stations</td>
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<tr>
<td>RECs</td>
<td>Regional Economic Communities</td>
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<tr>
<td>RMAC</td>
<td>Regional Maritime Awareness Capability</td>
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<tr>
<td>SALW</td>
<td>Small Arms and Light Weapons</td>
</tr>
<tr>
<td>SFMTF</td>
<td>Strategic Foresight Marine Task Force</td>
</tr>
<tr>
<td>SUA</td>
<td>Suppression of Unlawful Acts against the Safety of Maritime Navigation</td>
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<tr>
<td>VTMIS</td>
<td>Vessel Traffic Management and Information System</td>
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ABSTRACT

This study looks at the responses to contemporary maritime piracy in the Gulf of Guinea with focus on Ghana. It is informed by the fact that Ghana, as many other countries along the Gulf of Guinea is bedeviled with unemployment, high inflation, food and energy insecurity among others. In spite of these, the country is expected to adopt measures to protect its fledging oil and gas industry as well as the aquatic resources in the Gulf of Guinea. The country must also protect the maritime trade route in order to harness the expected revenues and other benefits from international trade. It must also maintain significant gains from fish and intact ecosystem to directly contribute to the livelihoods of her citizens. Books journal articles, newspapers and online sources were consulted in conduct of the study. Unstructured interviews were conducted with Ghanaian officials in charge of maritime security as well as personnel in the academia and the security sector in order to seek their views on certain aspects of the study. Findings were that Ghana has put in place several measures; strengthened the capacity of its armed forces, reactivated a marine police Unit that was disbanded many years ago among others, in a bid to increase presence in territorial waters. Despite the above, however, piracy still remains a cancer with several attacks recorded in territorial waters in recent times. Conclusions are that Ghana’s effort to rein in piracy in the Gulf of Guinea will not succeed until it works in cooperation with other states of the Gulf of Guinea with the support of other international partners.
CHAPTER ONE

RESEARCH DESIGN

1.1 Background to the Study

Maritime Piracy and other forms of violence at sea, have posed significant challenges to mariners as long as ships have gone to sea carrying considerable commodities ranging from raw materials and energy to high-value manufactured products between global economic powerhouses.\(^1\) The phenomenon also poses a great risk to tourists operating at sea as well as aquaculture economies thereby threatening the livelihoods and economic opportunities of nations and individuals across the world.

Maritime piracy was largely concentrated off the coast of Somalia in East Africa and along the Gulf of Aden from the latter part of 2008. Piracy in the Gulf of Guinea however caught international attention from 2009 when U.S oil supply vessel, \textit{C-RETRIEVER}, was captured in Nigerian waters by militants from the Niger Delta. Subsequent attack on a Royal Dutch Shell tanker, \textit{MT MEREDITH}, in January 2009 carrying 4,000 tons of diesel fuel led to the abduction of two crew members.\(^2\) Incidents of piracy have since been reported in the Gulf of Guinea around the coasts of Cameroon, Cote d’Ivoire on 31\textsuperscript{st} July 2013, Congo, Liberia, Guinea and Gabon.

Chatham House reported in 2013 that the Gulf of Guinea accounted for nearly 30\% of pirate attacks (427 of 1,434) between 2003 and 2011.\(^3\) 53 incidents were reported in 2011 as against 39 in 2010.\(^4\) The report added that the Republic of Benin, which reported only 1 attack in the four previous years, saw 20 ships raided in its waters in 2011. These included 8 oil tankers being hijacked. In Gabon, a Maltese-flagged tanker, \textit{MT COTTON}, with a 24-member crew was hijacked on July 15\textsuperscript{th} 2013 at Port Gentil.\(^5\) The ship used in the hijack and siphoning of about
3,500 tonnes of fuel, *MT MUSTARD*, was later intercepted and its crew arrested by the Ghanaian Navy in August 2013 within Ghana’s territorial waters.6

BBC reported that in March 2010 seven Chinese fishermen were kidnapped in 2 fishing boats off the coast of Cameroon in the disputed Bakassi peninsula by a previously unknown Nigerian based group named the “Africa Marine Commando” who demanded a ransom payment of $25,000. The fishermen were released after a settlement was reached.7 A Greek oil tanker, *ORFEAS*, with over 30,000 tons of gasoline was hijacked by pirates in the waters off the coast of Abidjan on October 6th 2013. It was released four days later after much of the cargo was stolen.

The International Maritime Bureau (IMB) in its first quarter report of 2013 recorded 31 pirate attacks in the Gulf of Guinea, specifically in the waters off Nigeria, Togo, Benin and parts of Ghana. In October 2013, pirates kidnapped two Americans from a US-flagged ship off the Nigerian coast.

It has been established by the International Maritime Organization (IMO) that more than half of the incidents of piracy and robberies against ships go unreported in the Gulf of Guinea. This is to avoid the long and tiring procedure captains have to go through and also to avoid paying higher insurance premium.

Incidents of piracy in the Gulf of Guinea have been attributed to several factors. Some writers have attributed the situation to disorder in the oil industry in Nigeria. While some have attributed the situation to a combination of economic opportunism by existing criminal gangs who claimed to be fighting for fairer distribution of the country’s vast oil wealth,8 others have blamed it on bad governance in most Gulf of Guinea states who parade worse indices of human development such as unemployment and poverty, with declining opportunities for legitimate livelihood. The situation has also been linked by some writers to limited law enforcement.
capacity and weak capacity of police in the region to investigate and prosecute criminal networks. Yet others blame the persistence of piracy to lack of political will by governments leading to weak institutional capacities to enforce a zero tolerance policy for corruption in the security services may also be blamed.

Pirates in the Gulf of Guinea more often than not steal cargoes of hijacked ships. They often steal crude oil shipped from the Niger Delta to world refineries and refined petroleum products being shipped into the region, with their activities increasingly become bolder, more violent and sophisticated in nature. Pirates in the Gulf of Guinea use offensive weapons such as assault rifles and often kill unsuspecting crews who simply become impediments to their attackers’ effort to offload the cargo on the ship.

Piracy also poses a great danger to the fishing industry through the reduction in the number of licenses applied for by foreigners to fish in sub-regional waters and the number of local fishermen who go to sea. Fishing is the second non-oil export earner in Nigeria and it is estimated to have lost up to US$ 600 million in export earnings as a result of the threat posed by pirates. Piracy also threatens about 50% of edible protein consumed in the sub-region.

Activities of Pirates often make trade and investment in the region more risky thereby increasing insurance premium paid on ships plying the sub-regional waters, the end result is the increase in transportation cost and the cost of commodities to consumers. The cost of piracy in the Gulf of Guinea, resulting from stolen cargo, higher insurance premium as well as security costs is estimated at $2 billion each year.

The sub-region is endowed with cultural artifacts, ancient forts and abundant natural scenes, which have fast become an enduring appeal to tourists who visit the sub-region on vacations. To a greater extend, however maritime piracy has led to the reduction in cruise ships
visiting the sub-region, denying it of several millions of dollars that could have otherwise been obtained from tourism.

The Gulf of Guinea is home to huge deposits of hydrocarbon fossils, as nearly 70% of Africa’s oil production is concentrated in the West African coast of Gulf of Guinea and experts have predicted that its oil would hit 25% of global production by 2020. As a primary access route to and from major oil producing countries such as Nigeria and Angola, it is critical to international shipping, and its tanker traffic will only increase due to recent discoveries of offshore oil in Ghana, Côte d'Ivoire and Liberia. Western oil companies are expected to invest between $40 billion to $60 billion in the Gulf of Guinea alone over the next 20 years.

The high incidents of maritime crime in the Gulf of Guinea have prompted international, regional, as well as national efforts to stem the threats posed by piracy and improve security in the region. The United Nations Security Council recognized the seriousness of maritime piracy in the Gulf of Guinea and passed resolutions 2018 in 2011 and 2039 2012, urging sub-regional member countries to adopt a comprehensive response to combating piracy.

The European Union (E.U) and U.S have launched programmes in support of Gulf of Guinea states but none is ready to put forces in the region. However, the U.S aims at developing the capacity of the nascent African Navies by way of cooperation. From 2007 to 2011, the U.S provided $35 million to West and Central African countries for coastal radar, boats, equipment, and marine security training. The U.S Africa Command (AFRICOM) has since 2010 funded a Counter-Narcotics and Maritime Security Operations Center in Cape Verde to help the country’s police, coast guard and military collaborate more closely to crack down on illicit trafficking, piracy and other transnational threats. As part of its
African Partnership Station (APS) programme the U.S also provides quality training to sailors and the navies of partner countries in West and Central Africa.

The *Obangame Express* is a major military exercise in the maritime security calendar for countries in the Gulf of Guinea. This sea-based maritime security training is designed to improve cooperation among participating nations in West and Central Africa in order to increase maritime safety and security in the Gulf of Guinea. It focuses on maritime interdiction operation as well as visit, board, search, and seizure techniques. The 2013 series of the exercise was held in Duala, Cameroon, and brought together 12 ships from 10 nations. The 2014 series of the exercise also brought together Navies from 22 nations and maritime professionals from U.S, South America, Europe and West Africa.\(^\text{19}\)

Regionally, a Code of Conduct was developed by the Maritime Organization of West and Central Africa (MOWCA) made up of the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS), and the Gulf of Guinea Commission (GGC) with assistance from the IMO. This code was adopted in June 2013 by Heads of States of member states at a summit in Yaoundé, to address maritime insecurity.\(^\text{20}\) The summit established clear division of labour between regional organisation and states; the former in charge of strategies and the latter, of operations. An Inter-Regional Coordination Centre (ICC) has also been established in Yaoundé to coordinate regional programmes.\(^\text{21}\)

As part of its maritime security strategy, ECCAS did divide its maritime space into three zones; A, B and D. A joint surveillance patrols started in Zone D in September 2009, as a coordinated effort against piracy. ECCAS has also established a Regional Coordination Centre for Maritime Security in Central Africa (CREMSMAC) in Pointe-Noire, to coordinate the
activities of the Zones. On its part, ECOWAS adopted maritime Zone E, F and G at its summit in Yamoussoukro on 25th March 2014, with Zone E being piloted. The body has also established a Regional Coordination Centre for Maritime Security in West Africa (CRESMAO) with the headquarters in Accra.22

Joint exercises between the Navies of Nigeria and Benin in an operation codenamed *Operation Prosperity* against the menace of piracy and the protection of natural resource exploitation in their territorial waters was started in September 2011.23 On her part Ghana, among other things, has acquired a number of ships24 and several small patrol boats25 to beef up the capacity of its Navies to patrol its territorial waters. The country has also created a special unit from the existing police service, the Marine Police Unit.26 Reminiscent of the Coast Guards, this unit collaborates with the Navy and the Ministry of Fisheries and other agencies to ward off criminal elements in the territorial waters. The Ghana Maritime Authority (GMA) in 2014 acquired and installed a Vessel Traffic Management and Information System (VTMIS), an electronic surveillance equipment which monitor activities on both sea and water bodies on land. This is for the purpose of increasing the country’s Maritime Domain Awareness (MDA).27

Although littoral ECOWAS and ECCAS states have beefed up the policing of their waters, the effort remains a weak response to the menace. This is because no state can boast of enough maritime surveillance and force projection capability beyond 100 nautical miles off the coast.28 Piracy in the Gulf of Guinea therefore remains a major concern for the sub-region as well as its trading partners.
1.2 The Problem Statement

The importance of maritime security in the Gulf of Guinea cannot be underestimated; unfortunately, however, the region is bedeviled with piratical activities which are likely to pose serious threats to the exploitation and utilization of the resources that abound in the region.

Ghana is at a crossroad in its development, bedeviled with unemployment, high inflation, food and energy insecurity as well as inadequate resources to meet its developmental needs. The country has a fledging oil and gas industry in the Gulf of Guinea and therefore must in place measures to protect, whilst maintaining significant gains from other resources such as fish, aquaculture and intact ecosystem to directly contribute to the livelihoods of her citizens.

It is for this reason that it is important to know the measures being taken by Gulf of Guinea states, particularly Ghana, to stem the tide of the menace, an effort to reduce or eliminate the ghastly occurrence of piracy and its rippling effect on states.

1.3 Objectives of the Study

The objectives of the study are:

- To highlight the dangers and challenges piracy poses to the security of the territorial waters of the Gulf of Guinea and its effect on Ghana;
- To examine the role played by regional bodies such as the ECOWAS, ECCAS, IMO, MOWCA and development partners namely the EU, US, and the UN given that piracy on the Gulf of Guinea is regional in nature;
- To ascertain the measures that Ghana has put in place to overcome the menace and weigh its successes and challenges;
To offer suggestions as solutions to enhance Ghana’s effective handling of the menace of piracy based on the research findings.

1.4 The Scope of the Study

The study looks into the responses Ghana has put in place in the face of contemporary piracy in the Gulf of Guinea. The part of the Atlantic Ocean that constitutes the Gulf of Guinea may vary depending on the subject under consideration. While the Gulf of Guinea Council (GGC) comprises just eight countries, the UN Security Council in its two most recent resolutions\textsuperscript{29} used the term broadly to include the coastal states in ECOWAS and ECCAS, and the GGC itself.

The Gulf of Guinea in this study is defined as that part of the Atlantic Ocean southwest of Africa, encompassing the coastline from Senegal, Cape Verde through Sao Tome and Principe and Angola.

1.5 Rationale of the Study

The relevance of the study cannot be underestimated owing to the fact that the West and Central African Sub-regions are increasingly becoming a geostrategic center being a home to over 14 billion barrels of oil, enormous aquatic life as well as flora and fauna. Ghana naturally, with its oil find and other enormous reserves, actively is one major actor in the scene. Regrettably the sub-region is plagued with the dangers of various forms of maritime violence; and Ghana is not spared its fair share, a phenomenon which could affect the gains that can be made from the natural resources and affect trade tremendously.
This study is therefore meant to assess the strategic policy designs and its implementation in a bid to finding solution to the current threat to maritime security in Ghana and the sub region as a whole.

1.6 Hypothesis

Ghana’s effort at combating maritime piracy can only succeed with the collaborative effort of regional and international community.

1.7 Conceptual Framework

The study adopts the concept of security community as its framework for analysis. Security Community is an attempt to find remedy for the insecurity of states on the international scene. It aims at providing collective security for its members.\textsuperscript{30} It is an arrangement by which states, after perceived security threats (such as piracy) find it necessary to put together their efforts to fight a common goal. The concept was initially proposed by Richard Van Wagenen and first studied by Karl Deutsch. The concept was described by Deutsch and his associates as a group of people believing that they have come to agreement on at least this one point: that common social problems must, and can be resolved by processes of peaceful change (i.e. by institutionalized procedures without resort to large scale physical force).\textsuperscript{31} According to Deutsch, people in the Security Community are bound by the sense of community, mutual sympathy, trust and common interest.\textsuperscript{32}

He identified two models in this regard: Amalgamated Security Community (ASC) and Pluralistic Security Communities (PSC). According to the Deutsch ASC is achieved when two or more previously independent states form a common government, a typical example being the US...
which had thirteen original colonies ceding much of their governing powers to a federal
government. PSC on the other hand is achieved when the states involved in the arrangement
maintains their sovereignty.\textsuperscript{33} The US and Canada also achieved this status with semblance of it
in the current ECOWAS and similar kinds of Unions. Generally however they both duel on
peaceful exchange.

For Deutsch, two conditions that facilitate the formation of PSC are: First the capacity of
participating political units of governments to respond to each other’s needs, messages, and
actions quickly, adequately and without resort to violence. The second is the compatibility of
major values relevant to political decision-making such as democratic dispensation.\textsuperscript{34}

Despite the theoretical and practical importance of the concept, it did not achieve the
needed impetus due firstly to eminence of Cold War. According to Adler and Barnett, the Cold
War period was a period of survival when, no state wished to lay down its total sovereignty to
ASC, so functional integration processes were rife. PSCs were also affected by the abysmal
performance of the then UN.\textsuperscript{35} The second limitation to the concept of Security Community was
the dominant features of realist tendencies in international relations where absolute peace was
seen as a mirage. Lastly, Adler maintains that Deutsch’s conceptualization of Security
community was fraught with various theoretical, conceptual and methodological weaknesses
which scared off future applications.\textsuperscript{36}

In view of the above difficulties, Adler later refined the concept of security community
based on pluralistic regime. In his book entitled \textit{Security Communities}, he defines the concept of
security community as:

\begin{quote}
A community of sovereign states agreeing on the unbearable destructiveness of modern war and
political, economic, social and moral values consistent with democracy, the rule of law and
economic reform, to provide their collective security through a process in which member states
come together on the basis of shared values and identities.\textsuperscript{37}
\end{quote}
He concludes that security community is achieved with collective identity constituted by interaction, communication, discourse and interpretation as well as on material environment. That the shared self-definitions creates internalized norms that allow people from different countries to know each other better and thus respond more effectively to common concerns.

The above is important for the current study because, the threat of piracy, just as other similar organized crimes, such as threat of Islamist extremist activities have international dimension. A number of states that are found in two regional organizations share interest in maritime security in the Gulf of Guinea, they include ECOWAS of which Ghana’s President is the current Chairman, ECCAS, MOWCA and the GGC.

The fight against piracy has been likened to sitting on a balloon in water-“push down on one side and pops up at the other; push on the other side and it pops up somewhere else.” Hence while the emphasis of the study is on Ghana’s effort to combat piracy, in the final analysis the country can only win the war against maritime piracy in collaboration with the international community.

1.8 Literature Review

During the Cold War, nation-states were envisaged as the primary actors in the international system and as the main source of security threat. In the latter part of the twentieth century, however, nations have been faced with enormous challenges from transnational security threats such as terrorism, trafficking of drugs and persons, money laundering, maritime piracy, etc. These challenges forced states to admit the need to include transnational security threats (TNTs) into their national security agenda. Picarelli and Shelley observed that TNTs constitute a mix of terrorism and other transnational organized crimes that transcend the levels of nation-
states and pose economic, political and social threats to the U.S and many other countries. U.S for instance only after September 11, 2001 that there was a change in focus of U.S foreign policy on security threat from nation-state as primary actors to include non-state actors as sources of TNTs.\textsuperscript{40}

The writers note the organizational principles of these transnational criminals as the incline to the use of network structure against the top-down-hierarchical structure typical of the traditional mafia organizations. They depend on secrecy as a foundational concept and resort to seeking safe haven in a particular favourable country but operate internationally. They also employ specialists in the conduct of their intelligent operations while blending legitimate and illegitimate means of funding, making it difficult to detect.\textsuperscript{41}

The study also points to the employment of violence, information technology, money laundering and corruption as the main tools used by transnational criminals to perpetrate their activities with human and narcotic trafficking as their main sources of finance. Other minor sources of finance include the conduct of credit card scam, protection rackets and cigarette smuggling, all being illicit.

The article stressed on the likelihood of transnational crimes becoming the defining problem of the 21\textsuperscript{st} century for two reasons; The growing global illicit economy which funds transnational criminals and the lapses in regulation and legal systems for dealing decisively with these threats in the globalized world. It therefore urged the US and its allies to focus on dealing with the conditions that permit the recruitment and spreading of criminal groups and establish network systems through international coalitions and cooperation between law enforcement agencies of various countries. It also urged for the sharing of intelligence while making effort to strengthen civil society in poverty-stricken regions that breed organized crime and criminals.\textsuperscript{42}
Kusnato Angorro, in an article titled “nature of transnational threats,” observes that TNTs, which have emerged as key security challenges for Southeast Asian states are cross border and non-military threats, that either threatens the political and social integrity of a nation or the health of that nation’s inhabitants. Crimes such as terrorism, maritime piracy, armed trafficking and illegal migration on one side, infectious diseases and environmental degradation, among others, pose enormous challenge to state authority and effective governance. It bemoans the increasing trend of piracy in the waters around Indonesia, where 66 actual and attempted pirate attacks constituting 67% of total attacks in South East Asia occurred in the first nine months of 1999.

He cites uneven distribution of wealth, depletion of natural resources, eroding of boundary, pan-ideology, politics of identity and failed states as some of the causes of these threats, and official corruption at various levels of government as the likely vehicle used by the criminal organizations to breach the sovereignty of many states as well as distorting their domestic and international affairs.

The writer considers the use of force as a narrow and unsuitable response to the menace for two reasons: First the network method of operation of these criminals, and second the fact that enforcement measures in themselves are curtailed by the existence of defined national boundaries. He, therefore, called for cooperation among law enforcement agencies across borders whilst the military is made to play a supporting role.

He concludes that although mechanisms for dealing with transnational security only started to take shape after September 11 2001, cooperation for suppressing piracy and armed robbery against ships are still lagging behind. He calls for the development of Security
Community as the only best means of developing variable and flexible bilateral and multilateral relationships, critical to the success of any cooperative endeavour.\(^{47}\)

The writer’s article focuses on TNT in South East Asia, yet, it remains relevant to the study of security threat in Africa and for states bordering the Gulf of Guinea which are currently plagued with piracy, drug trafficking, money laundering and terrorism, among other ills.

According to the Royal Naval Museum, the Golden Age of Piracy took place between 1620 and 1720 as a state-sponsored activity. A period when letters of marques were issued by rulers to individuals or groups authorizing them to attack enemy vessels and the profit thereon was shared between the pirates and the rulers, a system known as “Privateering.”\(^ {48}\) Two major groups of pirates during that period were the Buccaneers, who operated in the West Indies and the Caribbean, and the Corsairs who also assumed religious titles as the Muslim Corsairs and the Christian Corsairs and remained threats to each other in the Mediterranean until the 1800s. While the Muslim (Barbary) Corsairs remained a threat in North Africa around Algiers, Tunis, and Morocco, the Christians (Maltese) Corsairs targeted Turkish vessels under the license of the Christian Knights of St John.\(^ {49}\)

It is noted that during the Golden Age of Piracy life on pirate ships was more attractive and independent of national laws, so it was common to see individuals switch from serving on merchant or naval ships to pirate ships. Pirates also used flags with frightening symbols such as skull with crossbones and guns, and fast ships with shallow depth to enable them navigate in shallow coastal waters.\(^ {50}\)

George Till, observes that piracy was virtually abolished during the late 19\(^{th}\) and early 20\(^{th}\) century as the ungoverned space at sea dried up.\(^ {51}\) Andy Young, however, opine says that the incidents of piracy were surmounted by shrinking distances between states through
globalization, as well as the establishment of territorial and economic rights in the maritime domain to 200 nautical miles from coastlines. It is within this that states armed themselves with the technological capability of policing their waters to safeguard their interests.52

Peter Chalk blames the re-emergence of piracy on “The rapid de-militarization of the world’s oceans and the rise in global commerce in the wake of the collapse of the Soviet bloc, as well as the collapse of the Asian economy in the mid to late 1990s.” According to him, these factors compelled many people living around coastal areas in Indonesia and Malaysia to turn to piracy to supplement their income.53

Chalk identifies seven factors that account for contemporary piracy. They are increased commercial maritime traffic, consequently the number of ports and the presence of narrow and congested maritime choke points requiring ships to reduce speed to ensure safe passage. Others are the sustained effects of financial crises with its three dimensional effects; pushing the unemployed into piracy, security officials into corruption and depriving littoral states of the necessary finances to effectively monitor their coastlines. Other factors include the effect of 9/11, which compelled states to shift scarce resources from maritime surveillance to land-based homeland security initiatives, lax coastal and port security making it possible for low-level piratical activities to thrive, corruption in the judiciary and lastly the global proliferation of small arms providing pirate with enhanced means of operation.54

Kerstin Petretto’s “Weak States Off-shore-piracy in modern time,” suggests that choke points cannot be considered in isolation for the re-emergence of piracy. He asserts that these choke points must be surrounded by coastal states that are rife with conflict, poverty and disorder. To him these conditions of states give rise to weak security sectors and the breeding of organized criminals who are reinforced by cultural acceptance.55
Underreporting of pirate attacks continues to be a source of concern in the fight against piracy.\textsuperscript{56} It is estimated that 20 to 70 percent of pirate attacks go unreported for various reasons. Shipmasters for smaller vessels which form the majority of victims of attacks refrain from reporting to the Piracy Reporting Center because they assume nothing can be done to compensate them. Captains are also aware of the fact that frequent reporting will lead to a rise in insurance premiums for the respective trade route therefore they decide to keep some attacks in the dark.\textsuperscript{57} Also, state authorities under whose jurisdiction attacks take place try to minimize the risk of damage to the reputation of their maritime zones as “piracy prone” by not reporting.\textsuperscript{58}

Perhaps, the most important reason that makes it extremely difficult to fight the menace of piracy is the controversy over the definition of “piracy” by international law. Petretto notes that until the past few years when pirates were able to attack vessels on the high seas, about 80\% of earlier pirate activities took place in territorial waters of states.\textsuperscript{59} However, piracy as defined by Article 101 of the United Nations Convention on the Law of the Sea (UNCLOS) of 1982 is;

(a) any illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a private ship or aircraft;

(c) any act of inciting or of intentionally facilitating an act described in sub-paragraph (a) and (b).

The UNCLOS definition identifies piracy as such incident that occurs on the high seas outside the jurisdiction of any state. This does not best describe majority of the incidents of piracy in the Gulf of Guinea because, as noted earlier, majority of pirate attacks in the region takes place within the Exclusive Economic Zones (EEZ).\textsuperscript{60}
In order to bridge the gap created by the discrepancies, the International Maritime Organization (IMO) in 2001 adopted Resolution A.992 (22), a code of practice for the investigation of crimes of piracy and armed robbery against ships. The document defines armed robbery against ship as

any unlawful act of violence or detention or any act of depredation, or threat thereof, other than act of piracy, directed against a ship or against persons or property on board such ship, within a state's jurisdiction over such offence.  

Other discussions on piracy have used the definition of International Chamber of Commerce’s piracy and armed robbery at sea reports which defines piracy as “[an] act of boarding or attempting to board any vessel with the apparent intent to commit theft or any other crime, and with the apparent intent or capability to use force in furtherance of the act.” The inability to come up with a comprehensive definition for piracy has therefore led to global underreporting or inaccurate reporting of incidents of piracy.

The definition by ICC which puts no emphasis on the geographical principle may capture the type of piratical incidents in the Gulf of Guinea but it has also not excluded the large percentage of armed theft that occur at ports which Captain Pottengal, the director of International Maritime Bureau describes as “maritime mugging.”

Perhaps, a working definition of the subject that captures the nature of piracy in the Gulf of Guinea is what has been proposed by Alessandro Scheffler. In his article “piracy-threat of Nuisance” which describes piracy as:

“(a) an illegal acts of violence or detention, or any act of depredation, involving the attempt to take control of a vessel even only temporary and committed for private earns by the crew or the passengers of a private ship or a private aircraft and directed:

(i) on territorial and high seas, as well as in contiguous zones, outside ports and internal waters, against another ship or aircraft, or against persons or property on board such ship or aircraft;
(ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any state;
(b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).”

The International Crisis Group (ICG) observes in the “Africa Report No. 195,” December 12th 2012, that “whereas the situation in the Gulf of Aden has stabilized, a new front has opened up to the west of the continent.” It further wrote; “the Gulf of Guinea is the new high risk zone.”

Differences are often made between general maritime insecurity in the Indian Ocean off the coast of East Africa and that of the West African coasts. Adjoa Anyimadu, observes that whereas piracy forms the main source of maritime insecurity in the East African region, maritime insecurity in the Gulf of Guinea is marked by piracy and armed robbery at sea, the theft of oil and cargo as well as illegal, unreported and unregulated (IUU) fishing. She notes that the Gulf of Guinea is also rife with as trafficking of counterfeit items and narcotics, human and arm trafficking. Also, while pirates around the Somali region focus on kidnapping crew for a ransom, those in the Gulf of Guinea launch attacks to steal cargo, equipment or valuables of the vessel and the crew. Pirates in the Gulf of Guinea are therefore less concerned about maintaining the wellbeing of the crew, making violence against them higher than the situation in Somalia.

Anyimadu also attributes the decline in piracy in East Africa, and the Gulf of Aden after 2008, to a number of factors. These are the presence of International Naval patrol among them include the EU Naval Force’s Operation Atalanta, NATO’s Operation Ocean Shield, the Combined Task Force (CTF) 151 and the unilateral naval patrols from Russian and Chinese. She also notes the implementation of the Best Management Practice (BMP) by majority of
commercial ship-owners, the increasing use of private armed security personnel aboard commercial ships and regional capacity building for the security sector. Other reasons are international support in the improvement of the legal system and prison capacities in East and Southern Africa’s littoral states.67

Patrick J. Paterson bemoans civil strife, numerous river systems and the institutionalization of corruption, especially in Nigeria which has led to the yawning gap between the rich and the majority-poor, as some of the main causes of piracy in the Gulf of Guinea. He cites the aim of Nigeria’s Militant group, the Movement for the Emancipation of the Niger Delta (MENDS) to use all means, including attack on international oil tankers operating in the West African Coastal waters to disrupt the country’s oil production, until steps are taken by the Federal Government to release their leaders from custody and addressing their financial needs. Paterson, therefore, wonders if, in the midst of these structural problems, the potential of the Gulf of Guinea region to outstrip the Persian Gulf as future oil asset can favourably be harnessed. “No”, however, is his answer.68

Onuoha, identifies four major factors for the persistent trend of piracy in the Gulf of Guinea. These are bad governance leading to declining opportunities for livelihoods and bolstering the recruitment of the youth into criminality including piracy and the persistence of violent conflicts which compounds the problem of the proliferation of Small Arms and Light Weapons (SALWs) used by criminals. Others are states’ over-concentration of resources on narrower term of on-land security to the neglect of maritime security and the inadequate collaboration among national navies in defense of their coast. According to him, the manifestation of the above and the absence of a maritime strategy coexisting with affluence have led to the phenomenon of piracy in the region.69
Onuoha, however, notes the numerous efforts that have been put in place at the national, bilateral, regional and extra-regional levels and called for an integrated maritime strategy. A Strategy that will not limit that fight against piracy at sea but also on land where threats perpetrated at sea is planned. He urges Gulf of Guinea states to use their oil wealth to address unemployment, poverty and deprivation especially in riverine communities, as well as fight against corruption in a bid to reduce the menace of piracy.\textsuperscript{70}

Natalie Klein’s “Maritime security and the law of the sea,” notes that the type of international naval intervention reminiscent of what happened in Somalia will be challenged by the rule of \textit{inclusivity} which advocates global shared interest in the use and maintenance of the ocean space and \textit{exclusivity} which advocates private interest to the ocean space and its use.\textsuperscript{71} According to him, the rule of exclusivity has led to the prominence of \textit{creeping jurisdiction} that warrants greater claims to the exclusive use and maintenance of the sea through the recognition of Exclusive Economic Zones (EEZ) and the right of continental shelf. This has become necessary due to the interconnection between maritime activities and activities on land. The fear of individual states in this regard, is that, the ocean remains conducive for all types of transnational crime, including terrorism and environmental harm because of their vast and largely unregulated nature. For this reason the presence of international navies need to be authorized by individual states by way of collaboration to fight the menace.\textsuperscript{72}

Natalie however notes the imperative for greater security in the Maritime domain, especially, after the 9/11, and calls for the pre-eminence of the concept of \textit{mare liberum}, a concept premised on the fundamental principle of freedom of the seas, propagated by Hugo Grotius. He welcomes more bilateral and multilateral treaties among states in the management of the ocean space to ensure that exclusive interests of states are observed.\textsuperscript{73}
1.9 Data Collection and Methodology
1.9.1 Data Collection
The research employed the use of both primary and secondary data in gathering relevant information for the study.

With the primary data, purposive sampling technique was employed. This was necessary because the crux of the research was to find people who could and were willing to provide information by virtue of their knowledge and experience on the subject. The following individuals were interviewed:

The Director General, Ghana Maritime Authority; the Deputy Rector, Regional Maritime University, Dr. Kamal-Deen Ali, Ghana navy; Dr. NgwatungAkamangwa, Co-ordinator, School of Graduate Studies, Regional Maritime University; Mr. Adebayo Sulaimon, Maritime Trade Information Sharing Centre-Gulf of Guinea (MTSIC-GoG); Lt. William Tagoe, Navy Officer-in-Charge, MTISC-GoG.

Relevant secondary materials were taken from the Kofi Annan International Peace Keeping Training Centre (KAIPC) Library, LECIAD Library, Kofi Annan Peace Keeping Training Centre, The Regional Maritime University Library, the Library of the Ghana Armed Forces Command and Staff College (GAFSC) as well as internet sources.

1.9.2 Methodology

Qualitative type of data analysis was employed to discuss and analyze data collected through the interview. In the process inferences were made and discussions were on facts provided by the respondents.
1.10 Organization of the Research

The research is organized as follows:

The first chapter constitutes the research design. This includes the background to the problem statement, statement of the problem, relevance of the research, hypothesis, and theoretical/conceptual framework, definition of terms, literature review and methodology. The second chapter looks at the overview of piracy in the Gulf of Guinea and its management. Chapter three constitutes the role of Ghana in managing the threat of piracy and the last chapter, chapter four contains the summary of the findings, conclusions and recommendations.
Endnotes

4 Ibid.
6 Reuters, Ghana’s navy intercepts suspected pirate ship and arrests crew, August 2nd 2013 http://www.reuters.com/article/2013/08/02/us-ghana-pirates-idUSBRE9710FA20130802
8 Reuters August 2nd 2013, op. cit.
11 Chatham House, 2013, op. cit.
12 Ibid.
15 Ibid.
16 For more on this read UNSCR 2018 of 2011 and USCR 2039 of 2012
20 Chatham House (2013) op. cit.
22 Ibid.
27 Reported by ABDEL FATAU MUSAH, Director of Political Affairs, Commission of the Economic Community of West African States (ECOWAS), on behalf of the Commission’s President to the UN Security Council in February 2012.
28 UNSCR 2018 and UNSCR 2039.
29 Ulusoy, H., Revisiting Security Communities after the Cold War: The Constructivists perspective.
31 Ibid.
32 Ibid.
34 Ibid.
36 Ibid.
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41 Ibid.
42 Ibid.
44 Ibid.
45 Ibid.
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47 Ibid.
49 Ibid.
50 Ibid.
56 ICC-IMB
58 Ibid., 19.
59 Weak State off-shore- Piracy in Modern Times, p. 9
61 Article 2.2 IMO Assembly Resolution on code of practice for the investigation of crimes of piracy and armed robbery against ships.
63 Ibid.
64 Ibid.
67 Ibid.
68 Paterson, P. J., (2007), Maritime Security in the Gulf of Guinea, Joint Force Quarterly issue 45, 2nd Quarter 2007, A Professional Military and security Journal Published for the Chairman of the Joint Chiefs of Staff by National Defence University Strategic Studies. (pg. 29)
70 Ibid, pp. 10-11.
72 Ibid.
73 Ibid.
CHAPTER TWO

PIRACY IN THE GULF OF GUINEA

2.1 The Gulf of Guinea and its Resource Potential

The Gulf of Guinea lies along the coastline of countries in West Africa and a few in the Central Africa. In this study the Gulf of Guinea is defined as that part of the Atlantic Ocean southwest of Africa, encompassing the coastline from Senegal, through Côte d’Ivoire, down to Sao Tome and Principe and Angola.¹ The coastal states bordering the Gulf of Guinea therefore include Senegal, the Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Côte d’Ivoire, Ghana, Togo, Benin, Nigeria, Cameroon, Equatorial Guinea, Sao Tome and Principe, Gabon, Republic of Congo, and Democratic Republic of Congo. These countries fall within two sub-regional groupings: the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS).² (See figure below).

MAP SHOWING THE GULF OF GUINEA

Source: martitimesecurityreview.com
The Gulf of Guinea serves as an economic lifeline to the coastal and landlocked West African and Central African states. It is a major source of employment for the teeming youth, home to large stock of fish and other aquatic life, hence serving the nutritional needs of the population thus as an important source of revenue to natives and the state. It also has large deposits of hydrocarbon fuel. The geostrategic and maritime potential of the Gulf of Guinea to beneficial states and the rest of the world cannot be underestimated. The vast water resource with over 6,000 kilometers coastal arc stretching from Senegal to Angola, devoid of choke-points makes it valuable as a global geo-maritime area for commercial shipping carrying finished goods from Europe and America to West, Central and Southern Africa, and the export of raw materials from these states to Europe and America.  

2.1.1 Source of Fishing and Other Marine Resource

The Gulf of Guinea possesses one of the most bountiful Large Marine Ecosystem (LME), supporting significant biomass of plankton, tuna sardine, mackerel, shrimp and other protein species. Fishing, therefore, serves as an important livelihood to the half of the over 300 million population of West and Central Africa that live along the coastal region. The region’s estimated fish harvest is about 200,000 tons annually with average per capita consumption of 20-25 kilograms: about double of world’s average. Fishing also contributes over 30% of average daily protein consumption.

According to the Gulf of Guinea Regional Fishing Commission, the region has an annual potential of one million tonnes of sea fish and 800,000 tonnes of inland fisheries. The fishing industry also contributes 27.8% to total agriculture exports for West African countries. The UK
for instance has a significant foreign investment in industrial tuna catching and processing capacity in Côte d’Ivoire and Ghana, and imports £50million of tuna annually from Ghana.\textsuperscript{8}

\subsection{2.1.2 Major Source of Hydrocarbon and Natural Resources}

The Gulf of Guinea again is home to enormous mineral and marine resources such as oil, diamond, gold and other minerals. Studies have shown that the region contains about 50.4 billion barrels of proven reserves of low-sulphur oil and produces 5.4 million barrels of oil per day.\textsuperscript{9} This accounts for nearly 70\% of Africa’s annual oil production.\textsuperscript{10} The Gulf of Guinea has the fastest rate of discovery of new oil reserves in the world, measuring almost 60\% as against 10 percent in the U.S.\textsuperscript{11}

According to Paterson, the Gulf of Guinea is expected to produce 25\% of total global oil demand by 2020, surpassing the Persian Gulf which produces 22\%.\textsuperscript{12} After several decades in the lead as the regional oil producer, Nigeria has been caught up by Angola and Equatorial Guinea in oil production with new discoveries in Cameroon, Republic of Congo, Gabon, Côte d’Ivoire, Togo, Benin and Ghana.\textsuperscript{13} Recent discoveries in Sierra Leone and Liberia, has raised optimism of further discoveries yet in the region.\textsuperscript{14}

Apart from oil, the region sits on large deposits of resources such as diamond, gold, cobalt, copper, uranium and columbine-tantalite, a raw material used in telecommunication equipment. The Democratic Republic of Congo, is the second largest producer of diamonds and columbine-tantalite and has extended reserves of cobalt, copper, and uranium while Ghana, Angola, Sierra Leone are major producers of diamond and gold.\textsuperscript{15}
2.1.3 Global Geo-Maritime Location for Commercial Shipping and Transport

The Gulf of Guinea is important for global shipping of oil and raw materials to consumer nations such as North America and Western Europe. The region is closer to the world’s major consumers of energy than the Middle East and Asia, and also free from choke-points and narrow maritime lanes which cause delays. Thus relatively, there is a lower risk of pirate attacks on the Gulf of Guinea. It is estimated that 13% of EU oil imports and 6% of gas are currently transported via the Gulf of Guinea, whereas the U.S depends on the region for 16% for its oil supply, 8% of which comes from Nigeria. The U.S projects that a quarter of its oil demands will come from the Gulf of Guinea within the next 10 years. It is estimated that 4,868 vessels of all nationalities visited Nigeria’s ports alone in 2012 due to its importance.

2.1.4 A Region of Huge Western Investment

The Gulf of Guinea has over the past years attracted huge investments for both onshore and off-shore drilling and the trend is expected to continue into the future especially in the face of current oil discoveries. Damian Ondo Mañe estimates that the Gulf of Guinea will occupy a more important place in U.S, European and Asian energy strategies. This, according to him is due to the disruptive effects of the current political climate in the Middle East on oil prices causing shifts in the structure of oil demand on one side and the robust economic growth in China and India which will require an upward demand for oil.

In recognition of the Gulf of Guinea as a home of vast hydrocarbon deposits in the 1990s, Royal Dutch Shell expanded its operations in the region and invested nearly $50 billion in oil infrastructure in the year 2000. The U.S and the EU are also paying increasing attention to the Gulf of Guinea. For instance, the U.S. invested over $10 billion a year in oil activities over the
past 10 years. China, in its largest investment in Africa purchased $2.3 billion shares of a Nigerian oil field in 2007. China's National Petroleum Corporation (CNPC) has operated in Gabon, Nigeria, Angola and Equatorial Guinea since 2002. UK's British Petroleum (BP) also invested over $22 billion in Angola and plans to further invest $15 billion.

Unfortunately however, the above potential of the region co-exists with numerous security threats, including piracy, that have afflicted the maritime industry in the region, a development that has the potential of eroding the prospects which the region stands to gain.

2.2 Contemporary Piracy in the Gulf of Guinea

Pirate activities in the Gulf of Guinea may be summed up with the concerns raised by the Chairperson of the African Union (AU), Nkozasana Dlamini-Zuma, during a Press Conference with the German Chancellor Angela Merkel, in Germany on 11th July 2013. Among other things, the AU chair contended that piracy is an international problem even if it was happening off the African coast. The problem, however, is that the Gulf of Guinea piracy is above all an organized crime problem, rather than piratical, and most of these pirate attacks do not occur in international waters. More often than not they occur within the sovereign borders of states, which are set at 12 nautical miles offshore, and are thus subject to countries’ own laws and legal systems, rather than being subject to international law.

The above statement brings to the fore the contextual problems associated with piracy that need to be resolved in order to bring the crime in the region in tandem with similar crime as recognized by international Law. This is necessary because piracy in the West Coast of Africa defies the universal definition of the term per Article 101 of the 1982 UNCLOS. The article limits an incident of piracy to any unlawful act of depredation carried out on the high seas or
outside the jurisdiction of any state for personal gains. IMB defines the act as the boarding or attempting to board any vessel with the intention to commit theft or any other crime and with the intent or capacity to use force in the furtherance of that act.\textsuperscript{25}

By the UNCLOS’ narrow definition of piracy, majority of maritime violence in the Gulf of Guinea can only be described as armed robbery because 80\% of attacks on ships occur on territorial waters of states.\textsuperscript{26} Piracy according to the IMB definition also broadly includes theft aboard vessels even at anchorage, many of which constitute petty thievery. Opportunistic robbers who attempt to pilfer everything from ropes to computer equipment are not large syndicates and are of little interest to the study of piracy as an organized criminal interest.\textsuperscript{27} Perhaps Alessandro Schefler’s definition of piracy reflects the situation in the Gulf of Guinea. He defines piracy the subject as:

“(a) an illegal acts of violence or detention, or any act of depredation, involving the attempt to take control of a vessel even only temporary and committed for private earns by the crew or the passengers of a private ship or a private aircraft and directed:

(iii) on territorial waters and high seas, as well as in contiguous zones, outside ports and internal waters, against another ship or aircraft, or against persons or property on board such ship or aircraft;

(iv) against a ship, aircraft, persons or property in a place outside the jurisdiction of any state;

(b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).”\textsuperscript{28}

Schefler’s definition expands the legal implications of UNCLOS definition regarding area of application to include all acts outside port and internal waters and not limited to high
seas. The definition also excludes theft that happen at anchorage from acts of piracy, and rules out the strict limitation of piracy to seizing vessels only, by including the stealing of properties or wares, which may results in just temporarily taking over the vessel for that purpose.  

Early acts of piracy in the Gulf of Guinea were simply maritime robberies at shore and at sea, targeted at sailors who carried cash. These low profile robberies were carried out by miscreant in collaboration with port workers and security personnel against merchants who arrived on coastal waters of littoral states to offload cargo. The infamous activities had little eminence because shore-leave for crews was often short. The tight schedule under which vessels operate also makes crews unlikely to delay their voyage to report local crime.

The major infamous and violent pirate assault in the Gulf of Guinea occurred on a Danish Cargo ship, *MV LINDINGA IVORY* in 1979, at 3 nautical miles outside the port of Lagos, Nigeria. In this incident, the master of the ship was killed, while fourteen (14) crew members were wounded, and the cargo of the ship looted. From this period report of attacks on vessels was limited. Kerstin Petretto reports that even though IMB was established in 1979 for the purpose of reporting piratical incidents at sea, seafarers were reluctant to report attacks until the establishment of the IMB Piracy Reporting Center in Kuala Lumpur, Malaysia in 1992. Despite the low level of reporting, the trend in Pirate attacks in Africa generally showed a rise in 2003 with 157 incidents. This reduced to 74 in 2006 and peak at 346 in 201, with attacks in the Gulf of Guinea lying next to incidents in the coast of East Africa.

2.3 The Trend of Piracy in the Gulf of Guinea

In the Gulf of Guinea the incidents of piracy have fluctuated over the years. 64 incidents of attempted and actual pirate attacks were recorded in 2003, declining to 25 in 2005. The attacks
leaped from 25 to 59 in 2008 and declined again to 48 and 39 in 2009 and 2010 respectively. It witnessed a rise to 53 and 62 in 2011 and 2012 respectively, and declined again to 51 in 2013. Putting this statistics in the global picture, the Gulf of Guinea accounted for 31.9% (536 out of 1,682) of attacks in African waters between 2003 and the first quarter of 2014.\(^\text{34}\) The figure below gives a better view of pirate activities in the Gulf of Guinea during the period under discussion.

**Bar Chart showing Pirate attempted and Actual attacks in the Gulf of Guinea in relation to attacks in African waters, 2003-March 2014**

![Bar Chart](image)

*Source: IBM piracy and armed robbery against ships annual reports: Jan-Dec 2013, Jan-Mar 2014*

It would be observed from the bar chart that reported incidents of pirate attacks in the Gulf of Guinea declined steadily from 64 to 13 in relation to attacks in African waters from 2003 to 2006. There was a sharp rise between 2006 and 2007, and maintained a decline with the exception of 2010 and 2012, when there was a rise from 39 to 62 attacks. Attacks have since declined till date. However, putting the reported figure in proportion to total attacks in African, incidents in the Gulf of Guinea swells higher and higher, for example, reported incidents of pirate attacks in the region constituted 15% of overall attacks in Africa in 2010 (39 of 259), 18%
in 2011, 41.3% in 2012, 64.6% in 2013 and in the first quarter of 2014, it rose to 68.4% (13 of 19).

One major trend that can be observed is that although attacks in Africa as a whole declined since 2011, the decline in the Gulf of Guinea is proportionately slower than what pertains elsewhere in Africa. The situation therefore portrays the rising incident of piracy in the Gulf of Guinea at a time when there is substantial decline elsewhere in Africa.

James Bridger argues that the piracy problem in the Gulf of Guinea is not a dramatic rise in the number of attacks but the expansion of a criminal enterprise, which was once concentrated in Nigerian waters, into those of neighboring states.\textsuperscript{35} While support vessels operating near Nigeria’s oil fields were targets of piracy for decades, the hijacking and full-scale pilfering of oil tankers is a recent development, a modus operandi which first appeared off the coast of Benin in December 2010 and now spread to the waters of Togo, Ghana, Côte d’Ivoire and elsewhere in the region.\textsuperscript{36}

The International Association of Independent Tanker Owners ((INTERTANKO), in a letter to the Secretary General of the IMO on 18\textsuperscript{th} February 2009, expressed concerns about the incidents of pirate attacks on innocent merchant ships in the Gulf of Guinea by pirates operating a network of more than 3,000 creeks. The association was particularly concerned about how the situation was continuously overshadowed by pirate activities in Somalia and the Gulf of Aden and the inability of national and regional governments to protect shippers against these attacks.\textsuperscript{37}

Corroborating with the association, the IBM in its 2007 annual report detailed the sequence of pirate attacks in Nigeria’s waters as follows: 39 in 2003, 28 in 2004, 16 in 2005, 12 in 2006 and 42 in 2007.\textsuperscript{38} The organization also ranked waters off the coast of Nigeria as the second most dangerous for maritime transportation in the first half of the year 2009, when it
recorded 20 pirate attacks out of 32 incidents in the whole of West Africa. Between 2003 and 2014 a majority, 299 out of 559 (53.5%), of incidents occurred in the Nigerian waters with the rest, spread across other countries along the Gulf of Guinea.

**BAR CHART SHOWING THE NUMBER OF INCIDENTS OF PIRACY IN THE GULF OF GUINEA BETWEEN 2003 AND MARCH 2014**

![Bar Chart](source: Adapted from the IBM piracy and armed robbery against ships in the Gulf of Guinea annual reports: Jan 2003 - Dec 2013 and Jan-Mar 2014)

The Chart above shows that statistically, majority of pirate attacks during the period from 2003 to March 2014 did happen in Nigeria’s waters. It is further reported that at least a half of 16 cases of piracy that have occurred in the Gulf of Guinea from January to July 2014 took place in Nigeria. The Piracy assessment report by National Youth Administration (NYA) International, a crisis Prevention and Response consultancy, for the first quarter of 2014, observed that Nigeria accounts for 71% of piracy incidents in West Africa. As such, whilst piracy could be seen as a regional problem in the Gulf of Guinea, its concentration is however in the territorial waters of Nigeria.
The situation has been attributed to many factors these include the country’s fuel subsidies and the lack of local refining capacity, giving rise to West Africa’s petroleum black market\(^42\) and, the endemic corruption in the country which has protected and shielded the economic and political elites suspected of profiting from the proceeds from the black market.\(^43\) Others have attributed it to the inequality and local grievances in the Niger Delta that has only been superficially addressed by payments from a government amnesty program, leaving a large pool of unemployed youth who see piracy and oil theft as tickets out of poverty.\(^44\) P. K. Ghosh in his book observed that:

*In many ways, piracy in the Gulf of Guinea is directly linked to the political dynamics of the Niger Delta and its associated socio-economic problems. The turbulent politics of the region has often been cited as one of the primary drivers of piracy which is controlled by gangs and groups operating from the Delta.*\(^45\)

Despite the above revelation, academics are of the view that majority of pirate attacks are not reported. The UK Chamber of Shipping reports that only 1/3 of all incidents of piracy in the Gulf of Guinea, including Nigeria, are actually reported to the appropriate authorities.\(^46\) This means that the figures above could be three folds. Murphy attributed the reasons for underreporting of pirate attacks to the eroded confidence among shipmasters that they would be adequately compensated for any damage by authorities if they report and, the awareness among Captains that the more incidents that are reported, the higher the cost of premiums they will pay in insurances for the respective routes and therefore the need to avoid reporting.\(^47\) It is also suggested that state authorities in whose jurisdiction the incidents occur are more likely to minimize the risk of damaging the reputation of their harbour or adjoining sea route as piracy-prone-routes.\(^48\)

While the above reasons hold in the general context, Civil Society Organisation (CSO) Alliance has found that reasons for underreporting of pirates attacks specific to the Gulf of

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Guinea, especially in Nigerian waters are that: Majority of the criminal activities in the Gulf of Guinea is petty thievery along ports in Nigeria which do not involve major commercial vessels and foreign nationals. These activities are known to be perpetrated by pirates in Akwa Ibom State, hence fail to reach headlines of news media; also, the fear of retribution from perpetrators of pirate activities, particularly among locals in impoverished areas where pirates have taken on an almost gang-like formation. Other reasons include insufficient organization to which reports can be made. It is observed that although the Maritime Rescue Coordination Centre is in Lagos, Nigeria, some ship owners and crews believe that contacting the centre will rather attract pirates. This is born out of the allegations that some Nigerian authorities are engaged in shady deals with the very pirates they are expected to detain. It is claimed that there is hardly a report on arrested pirates and majority of them evade capture. Even though the truth in this claim has not been established, it nonetheless suggests a lack of trust for Nigerian authorities. Other reasons for underreporting have been the confusion over jurisdiction and lengthy delays for commercial vessels in the event that incidents are reported.49

The Director General of the Nigerian Maritime Administration and Safety Agency (NIMASA), Ziakede Patrick Akpobolokemi, has however challenged the notion of under reporting of pirate activities in Nigeria. According to him, although piracy is a major problem for Nigeria, reported incidents may just reflect the exact situation on the ground, and, possibly some amount of misreporting of rather trivial incidents. “Many incidents of hijackings, piracy and robbery are false, and are merely hyped to undermine us and shore up insurance premium.”50
2.4 Causes and Nature of Piracy in the Gulf of Guinea
2.4.1 Bad Governance and Limited Legitimacy

The governance system in Africa, especially countries bordering the Gulf of Guinea, have been characterized by legitimacy deficits, poor leadership and pervasive corruption with highly centralized national administrations that have limited contact with, and accountability to their citizens.\(^{51}\)

Such regimes have been characterized by bad policies such as a slow education, poor infrastructure development, unemployment and lack of meaningful economic opportunities, social exclusion of the majority of the population. They are also noted for corruption and Human rights abuses. The long years of social exclusion of natives of the Niger Delta region of Nigeria have pulled many young men into all kinds criminal activities including maritime crime. This is because there are no other options presented to them.

According to Freedom Onuoha, despite the vast oil resources in the region, most of the Gulf of Guinea states have majority of its citizens living in abject poverty, with declining opportunities for legitimate livelihood in the midst of the minority affluent. The situation, he says, makes the youth easy target for recruitment into criminal ventures such as piracy with the Nigeria’s Niger Delta and Angola’s Cabinda region as examples.\(^{52}\)

Official corruption as a characteristic of bad governance, is one of the pivots on which piracy in the region thrives. Chatham House reported in 2013 that the rampant corruption and fraud in Nigeria’s oil sector have been the main reasons for the recent pirate attacks in the region. Due to corruption in the oil sector, lines between legal and illegal supplies of Nigerian oil is blurry, a climate which give pirates the incentive to steal oil since they can easily sell on the black market.\(^{53}\)
Apart from the oil sector, state officials who have the duty to arrest pirates have often rather aided the operation of criminals by giving information about location and other details of vessels which usually come under pirate attacks. Such officials are driven by their individual interests and they use their official positions to aid these criminal acts.\textsuperscript{54} The Vanguard in 2012 reports of 27 year-old Bless, a suspected hijacker and a gang commander, captured near Lagos by the Nigerian Task Force Team constituted by NIMASA, explained that:

“We do not work in isolation. We have a network of ministries’ workers. What they do is to give us information on the location and content of the vessel to be hijacked. Once we complete the assignment, we would inform the points men who thereafter, contact the cabal that takes charge of the hijacked vessels. We usually meet at a designated point on the high sea, from where they would offload the contents from the hijacked vessels and thereafter, deposit them in various oil facilities for distribution by oil marketers”

2.4.2 Natural Resource Mismanagement

The Gulf of Guinea Region, as already noted, is endowed with enormous natural resource both on land and at sea. Whereas these resources are known to many, it has benefited only the elite few and less of the local people.\textsuperscript{55} National rulers and multinational oil companies make billions of dollars through the exploitation of oil at the expense of local communities.

In the fishing industry, Illegal, Unregulated and Unreported (IUU) fishing in West African waters, a lot of which is done by multinational fishing companies is estimated to represent up to 37% of the region’s catch, a process that causes damage to the seabed habitats and trap large numbers of vulnerable species. The result is economic losses to the coastal communities thereby compromising their livelihoods.\textsuperscript{56} As already noted, while the management of oil resources to the detriment of the population has been the main cause of the rise in gangsters in the Nigeria’s Bakassi, many of whom engage in piracy in the Gulf of Guinea, illegal fishing by multinational companies was often blamed for the rise of piracy in Somalia.
2.4.3 Environmental Pollution

Due to the low level of industrial development in the sub-region, majority of the inhabitants around the coastal areas are either fishermen or farmers.\textsuperscript{57} Over exploitation of natural resources such as oil and fish in the region leads to degradation of farmlands and fishing stock at the peril of the local communities. Also devastating is the activities of oil companies such as gas flaring which releases toxic chemicals into the air leading to air pollution and damage to the environment and community health.\textsuperscript{58} Outdoor pollution is reportedly responsible for 3.3 million deaths per year in West Africa.\textsuperscript{59}

Oil exploitation has rendered several farm lands and lakes lifeless in Nigerian communities. Lake Eni which hitherto had served as the source of fishing for Isoko community remained lifeless through the discharge of oil into it. Weeds have supplanted food crops on farmlands in Ijaw village of Bayelsa State due to environmental degradation through the discharge of about 800,000 barrels of oil into the area. The spill poisoned the community’s source of water and fish. Raffia palms that have been the economic mainstay of the community have also been depleted.\textsuperscript{60} The result of the above is often the emergence of opposition to the injustices as they adopt violent attacks on oil companies both on land or at sea who are responsible for the rot.

2.4.4 Weak Maritime Policies

Gulf of Guinea states have in the past exercised little authority over their territorial waters because their perception about insecurity had been predominantly land-based. Security policies in the maritime domain were generally related to specific maritime border dispute,\textsuperscript{61} and as a result, resources allocated to maritime security were only enough for port infrastructure to ensure
sustainability of revenues obtained from various ports and harbours. Navies in various countries along the Gulf of Guinea remained under resourced and had only sufficient numbers as a symbol of the national security architecture. David Mugridge in 2010 observed that Cote d’Ivoire had 6,500 Army officers with only 900 at the Navy unit, while Nigeria had 62,000 Army personnel with only 8,000 at the Navy unit.

The attitudes of many governments towards maritime security did change after the discovery of oil in the region. However, national maritime policies still depend on how authorities perceive the risk of insecurity the nation endures. According to the Crisis Group, countries have perceived maritime insecurity in three ways. First as a source of danger to their economies, requiring the deployment of armed forces to deal with it; secondly as a small-scale transnational crime that does not lead to destabilization of the country; and finally as a sub-phenomenon of a general land-based insecurity. The obvious consequences of this narrow view of security is, thus the overwhelming support given to land-based forces, particularly the Army, to the neglect of maritime security forces such as Navies, Air force and Coast Guards.

The ability of states to enforce maritime security policies is also determined by resource availability. Whereas some countries like Nigeria could afford heavy budget for the effective operation of its Navy, Benin and Togo with limited resources have to make do with very small numbers and generally under resourced.

2.4.5 Conflict and Proliferation of Small Arms and Light Weapons

Various forms of violent conflicts have occurred in Africa. These events have either taken place between states, constituting inter-states conflict or conflict within a particular state.
The latter, intra-state conflicts, has gained prominence in recent times and has seen many countries in the sub-region go through very devastating experiences.

Violent conflict between and or against governments and rebel movements have occurred in countries such as Angola, DR Congo, Republic of Congo, Sierra Leone, Liberia, Côte d’Ivoire and Nigeria, with some still lingering on. These conflicts have led to the proliferation of various types of Small Arms and Light Weapons (SALW) in the sub-region. Alhaji Bah estimated that out of 100 million illicit weapons in circulation in sub-Saharan Africa, about 8 to 10 million are concentrated in the West African Sub-region.\textsuperscript{68}

Sub-Saharan Africa has also been exposed to both domestic and transnational terrorism which also facilitated the proliferation of SALW.\textsuperscript{69} The influence of Al Qaeda in the Islamic Maghreb (AQIM) on terrorism in West Africa is enormous. The group has extended its support over the years by way of ideology, weapons and training to other sleeper cells in the sub-region including the Ansaru and Boko Haram in Nigeria. AQIM gave a major support to the Ansar dine and also to the Movement for Unity and Jihad in West Africa (MUJAO) which led to the instability Mali in 2011, following the power vacuum created by the coup d’état in the country.\textsuperscript{70}

The crisis in Libya that led to the overthrow of Colonel Muammar Ghadafi gave AQIM a major boost in its acquisition of weapons. Most of these weapons found their way into the sub-region due to ineffectual national security systems, porous borders and growing demand for arms by criminals and militants.\textsuperscript{71} The UN Security Council, at its 6717\textsuperscript{th} meeting called for system-wide UN action to combat transnational crime including piracy. It expressed concern about the increasing violence perpetrated by armed groups, exacerbated by the spread of Weapons from within and outside the region.\textsuperscript{72} With the gaping unemployment in the region, the lethal power
gives an impetus for the youth to move to the sea where they perpetrate violence against merchant vessels, a characteristic of pirate attacks in the Gulf of Guinea.

2.4.6 Niger Delta Insurgency

Piracy in the Gulf of Guinea has often been linked to the political dynamics in the Niger Delta and its associated socio-economic problems. The Nigerian Trawler Owners Association (NTOA) observed that there were rare attacks on its members before 2000, a series of skirmishes between neighbouring ethnic groups however resulted in the militarisation of the Niger Delta zone, triggering the act of piracy and armed robbery against ships and crews.

The Niger Delta region comprises Delta States, Bayelsa state and River state. It is home to over 20 million people and some 40 different ethnic groups. The region is Nigeria’s oil belt, where the nation obtains over 70% (80.6% in 2003) of its annual total revenue. However the area has been embroiled in many years of violent resistance against the state and the multinational oil companies, as a response to decades of environmental degradation, social neglect, state repression and corporate violence due to oil exploitation. Groups such as the Ijaw Youth Council, the Niger Delta Peoples’ Volunteer Force (NDPVF), Niger delta Vigilantes (NDV), Niger Delta Strike force (NDSF), sprung up to fight for their interest. Most of which operated under an umbrella group-the Movement of for the Emancipation of the Niger Delta (MEND).

The above situation has generated popular and criminal violence, lawlessness, illegal appropriation and insecurity; and this is their way of registering their demand for a share of the oil resources, a situation which has also led to the proliferation of arms and institutions of agencies of violence such as ethnic and youth militias, armed gangs and networks, pirates, cultists and robbers. It is suggested that the creation of MEND in 2005 moved the spate of
violence from the demand for amenities to theft of oil through bunkering, stealing of imported goods as well as attacks of fishing boats and kidnappings of mostly expatriate oil workers. About 293 incidence of piracy against fishing boats were recorded off Nigerian coast between 2003 and 2008 while 199 people were kidnapped in 2007 alone.\textsuperscript{78}

The insurgents took their activities to sea when the oil companies moved their exploration and production activities at sea as a way of reducing the cost of vandalism and kidnapping that had overwhelmed them onshore. The insurgents took full advantage of this profit-generating tactics of the companies and between 2012 and 2013, the group was estimated to have hijacked 12 ships, kidnapped 22 sailors and killed 4 oil workers.\textsuperscript{79} In January 2014, elements within the group claimed responsibility for the attack on a Nigerian tug boat, the abduction of two Agip Oil Company employees,\textsuperscript{80} and the kidnapping of two American sailors off the Nigerian coast in October 2013 over unresolved issues on the continued detention of Henry Okah and his brother Charles.\textsuperscript{81} IBM estimates that all 36 crew kidnappings reported worldwide in 2013 (the highest since 2008) happened in West Africa; 34 of which occurred off the coast of Nigeria and 2 in Togo, a figure which security expert, Consultants Drum Cussac, believe is less than half of the real figure which runs into more than 100.\textsuperscript{82}

Apart from the numerous attacks in Nigeria’s territorial waters of Nigeria itself that have been linked to the group some of which are detailed above, majority of pirate attacks in other parts of the Gulf of Guinea have also been attributed to the insurgent groups.\textit{MT KERELA}, the vessel laden with 75,000 tons of oil which was taken off the coast of Angola was found near the coast of Nigeria after off loading 12,270 tons of its diesel to other ships.\textsuperscript{83} Similarly, \textit{MT ORFEAS} which was hijacked from anchorage of Côte d’Ivoire was sailed 600nm to Nigeria where the captors stole 3,000 tons of gasoline. Also the arrested of \textit{MT MADINA} in March 2012,
in Ghana’s territorial waters by the Navy was upon the tip-off from the Nigerian Navy who reported that the vessel was stolen from Nigeria and was then transferring fuel into another vessel around Saltpond oil fields.\textsuperscript{84}

Furthermore, the increased pirate attacks in the territorial waters of Benin in 2011 to 20, from only 1 in 2010 was as a result of pressure that was brought to bear on the Nigerian-based criminal syndicate by heightened security in their own waters. \textsuperscript{85} Michael Frod, a maritime risk consultant observed that the pirates moved further out to sea not just to avoid coastal patrols, but also to take advantage ships letting down their guards in waters assumed to be safer.\textsuperscript{86} Whether it is apt to link the insurgency in the Niger Delta with the incident of piracy in the Gulf of Guinea or not, it has been reported that the 2009 government Amnesty offering to the militants in the Niger Delta was credited for temporarily reducing Nigerian Piracy from 42 in 2007 to 10 in 2011.\textsuperscript{87}

2.5 Nature of Gulf of Guinea Piracy

The nature of pirate attacks in the Gulf of Guinea differs from that which occurs in the East Africa. Whereas pirates in East Africa rely on kidnapping for the purpose of ransom, incidents of piracy in the Gulf of Guinea are characterized by a lot more violent attacks carried out for the purpose of stealing fuel, food and other resources to keep the operation going.\textsuperscript{88} Piracy in the region has also taken the form of Cargo Hijacking, and Vessel Hijacking with an associated high degree of violence.\textsuperscript{89}

Despite various types under which the criminal act may be classified, the tactics of pirates in majority of cases in the region have been described to involve hijacking of an oil tanker and siphoning the oil unto another vessel to be resold at the local black market.\textsuperscript{90}
attacks in Central Africa target both oil drilling platforms and ships with the intent of seizing money, radio equipment and goods from the crew and passengers with occasional hostage taking, while those in West African sub-region generally occur during ship-to-ship transfer operations, with a view to stealing oil cargo and other high-valued assets.91

By location, pirate attacks in the Gulf of Guinea occur within the jurisdiction of coastal states or territorial waters within 12 nautical miles of states.92 Such incidents have often led to a contextual problem of defining piracy in the region in comparison with the international legal system. It is estimated that out of 551 cases of piracy reported over the last ten years to 2012, 108 occurred in international waters, 173 in territorial waters and 270 in port areas.93 The above makes piracy in the region basically armed robbery at sea and falls within the nation’s legal jurisdictional. The burden thus is on coastal states to adopt a security community approach which will operate across the territorial boundaries of affected states in order to effectively deal with maritime crime in the region.

A number of notable pirate attacks in the region reveal a high level of sophistication and operational capacity on the part of the criminal gangs.94 In the hijack of ABU DHABI STAR off the coast of Lagos in September 2013, the pirates were reported to have conducted a military-like operation. Dressed in military fatigue, the heavy armed pirates, almost a dozen, swarmed the vessel with four-powered speed boats and immediately disabled the communication equipment of the vessel.95 Also the kidnapping of the crew members from the TUG BOURBON LIBERTY was done precisely moment after its escort vessel had returned to shore. These two operations signify the use of advance logistical capabilities and heightened level of operational intelligence.96
2.6 The Impact of Gulf of Guinea Piracy

Maritime security is a necessary panacea for sustaining the flow of revenues from oil and gas, which many states depend on for development in the region. Also, maritime resources such as fish, aquaculture and intact ecosystems directly contribute to the livelihoods of many Africans. Secured maritime domain of the Gulf of Guinea is also necessary for energy security of Europe and the U.S, as well as effective trade with African countries south of the Sahara.

Piracy in the Gulf of Guinea, needless to say has impacted negatively on the sub-region as well as the global community. Maritime security is not assured thus reducing trade confidence in the region as the activities of international oil companies are threatened as well the lives of numerous sailors. Academics contend that the Gulf of Guinea regional countries loses annually, the sum of $2 billion.

Maritime crime in regional waters is estimated to have led to a 20% decrease in Nigeria’s oil production since 2006, and has cost the country’s economy an estimated $200 million between 2005 and 2008. On its local fishing industry, it is reported in March 2008, that the country could lose up to $600 million dollars in 2008 due to trawler captains’ refusal to go to sea as a result of piracy. Benin’s economy depends on taxing ships entering the Cotonou port, contributing almost 70 percent to the GDP, and 80% of tax revenue of 7.5 billion dollars. The country was estimated to have experienced a 70% decline in maritime traffic and 70% revenue in the third quarter of 2011 due to piracy.

Maritime piracy in the Gulf of Guinea has led to heavy militarisation of the region by foreign forces. The U.S for instance has signed agreements with Cameroon, Gabon and Equatorial Guinea for any eventual use of their airports by U.S forces. This is done for the purpose of protecting the interest of the U.S and Europe in the region, as the Gulf of Guinea
region produces close to 40 percent of the oil consumed in Europe and 29 percent in the United States.\textsuperscript{102}

Piracy further drives up insurance premiums for international shipping companies that ply the Gulf of Guinea forcing them to employ heavy security details or to use longer routes to avoid the pirates.\textsuperscript{103} Ocean Beyond Piracy (OBP) in 2013 estimated that a total “Kidnap and Ransom” insurance premium of $83-152 million was paid for West Africa in 2012.\textsuperscript{104} The end result is that it hikes up the prices of imported goods in the region. It further jeopardizes the local economy, leading to the deterioration of development and economic stability in the region.

Piracy in the Gulf of Guinea also affects the energy security in the region while cut back the raw material needs of Europe and U.S. It is reported that an estimated 3 million barrels of oil produced daily by the nations around the Gulf of Guinea ultimately feed the North American and European markets, and all the exports are conveyed by sea.\textsuperscript{105} Statistics show that early 2012 saw a doubling in the number of attacks on oil tankers, with as many as eight hijackings in a month.\textsuperscript{106} The trend of pirate attacks has dramatic effects on the flow of oil from the Gulf of Guinea to the United States and the West.

Insecurity in the region’s maritime industry also places UK capital investment in the region at risk. In 2012 UK based multinationals owned 18% of the total energy output from Nigeria and 7 out of 18 planned energy development projects in Nigeria are partly owned by BP. The company has also invested over $22 billion in Angola to date with plans for $15 billion more.\textsuperscript{107}
2.7 Initiative for Maritime Security in the Gulf of Guinea

The high incidents of piracy and other maritime crimes in the Gulf of Guinea have prompted several national, bilateral, regional and extra-regional engagements to improve maritime security in the region.\(^\text{108}\) Anti-piracy initiatives in the Gulf of Guinea has basically centered on the states in the region. External support has remained limited to logistics without any external naval operations due to the fact that maritime crimes in the region are mainly jurisdictional.

2.7.1 International/Global Effort

*The United States/ European Union*

The U.S considers Africa’s maritime security and stability as a major national security concern as it diversifies its energy sources owing to the instability in the Middle East. The prospects are that, the Gulf of Guinea oil production would outstrip that of the Persian Gulf.\(^\text{109}\)

It thus became necessary that they get involved in safeguarding the territorial waters and overall security interest in the sub region thus the creation of the U.S Africa Command (US AFRICOM).

One main focus of the U.S-AFRICOM was to improve upon Africa’s Maritime Domain Awareness (MDA); an awareness of everything that goes on in a countries’ territorial waters and EEZ. This is done through the use of Automatic Identification System (AIS) and the Regional Maritime Awareness Capability (RMAC), which would enable a nascent African navy to monitor its coastal waters to interdict illegal activities.\(^\text{110}\)

The U.S in collaboration with Europe over the years increased the region’s ability to fight piracy and protect oil platforms through the U.S-led Africa Partnership Station (APS) model.
APS was designed to build maritime safety and security in Africa through working together with African and other international partners. The program has provided Response Boats to Benin, Ghana, and Nigeria valued at several hundred thousands of dollars. It has also trained thousands of military personnel in skills such as seamanship, search and rescue operations, law enforcement, medical readiness, environmental stewardship and small boat maintenance.  

The U.S Naval Force-Africa command, since 2011 has conducted at-sea maritime exercises, *Obangame Express*, with their African counterparts. The aim of the exercise is to improve cooperation among participating countries in maritime safety and security in the Gulf of Guinea with focus on maritime interdiction operation, as well as visit, board, search, and seizure techniques. Beginning with forces with five nations, the 2014 series which was the fourth was concluded in Nigeria in April 2014 with participants from twenty (20) African Nations. The U.S has also facilitated the *Saharan Express, Phoenix Express* and other regional collaborative maritime exercises in Africa with the aim of strengthening global maritime partnership to improve maritime security in Africa.

The EU on their part has also taken various initiatives towards maritime security in the region. A project dubbed Critical Maritime Routes in the Gulf of Guinea (CRIMGO) was launched by the EU in 2009 reinforces security on maritime routes between seven of Gulf of Guinea littoral states. These were Benin, Cameroon, Equatorial Guinea, Gabon, Nigeria, Sao Tome and Principe and Togo. The main objective of CRIMGO was to set-up regional maritime security and safety training function, which is purposely for starting a regional maritime information sharing to improve the work of coast guards and the development of joint operational coordination capacity through common exercises or pilot operations.
The International Maritime Organisation

The IMO strategy for implementing sustainable maritime security measures in West and Central Africa took a wider context of UN Security Council, the UN General Assembly Resolutions 67/78, and the maritime security strategies of the AU, ECCAS, ECOWAS and the GGC. The IMO and the Maritime Organization of West and Central Africa (MOWCA) in October 2006, convened a meeting in Dakar, to discuss the establishment of a system whereby the various national entities responsible for carrying out “coast guard functions” could cooperate both domestically and regionally for the benefit of West and Central Africa as a whole.115

This led to the development of a memorandum of understanding (MoU) in July 2008, to establish a sub-regional integrated coastguard network in West and Central Africa and provide the framework of cooperation and guidance for the implementation of the Network. The MoU was signed by 15 Coastal states in the region, aimed at enhancing maritime safety, security and law enforcement throughout the region. It also formed the basis of maritime security strategy within the African Maritime Transport Charter, adopted by the AU in Durban in October 2009. It provided an action plan to be developed by regional States for the implementation of the integrated coastguard function network, while initiating a joint effort in the domain of maritime activities to protect human life, enforce laws and improve the safety and protection of the environment.116

2.7.2 Continental Effort

The African Union

At the continental level, the AU secretariat developed ideas for the African Maritime Domain (ADM) from 2007. In 2009, the revised version of the 1993 Maritime Transport Charter,
also called the Durban Resolution, was adopted (African Union 2009:18). This was followed by a call on the AU Commission by the Heads of States and Governments of the AU, at its 22nd summit in Addis Ababa in January 2014. There, develop a comprehensive and coherent maritime strategy, leading to the adoption of 2050 Africa’s Integrated Maritime Strategy (2050 AIM strategy).¹¹⁷

The vision of the 2050 AIM strategy is to encourage more economic ventures from Africa’s oceans, seas and inland waterways in a safe environment by providing a multidimensional approach and perspective on maritime security governance. The following policies, strategies, agencies and coordination mechanisms were established to implement the AIM strategy; A Combined Exclusive Maritime Zone of Africa (CEMZA), a representative continental working group of Chiefs of African Navies and/or Coast Guards (CHANS), and standardized Regional Maritime Headquarters (MHQ) with Maritime Operational Coordination Centers (MOCC) in all Regional Economic Communities (REC). Others include a Common Fisheries Policy, Trans-Saharan Crime Monitoring Network, a continental wide and multidisciplinary Oceans and Seas Research Institute of Africa (OSERIA), a cross-sectoral Strategic Foresight Marine Task Force (SFMTF), a Continental Free Trade Area (CFTA), and an Integrated Multi-sectoral and multi-disciplinary Maritime Disaster Management Strategy for Africa.¹¹⁸ These are all in a bid to make the waters safe so as to harness its advantage to the maximum.
2.7.3 Regional Initiative

*The Gulf of Guinea Commission*

The first important regional initiative for maritime security in the Gulf of Guinea was the formation of the GGC in 2001. It was established as a permanent framework for collective action with the view to ensuring peace, security and stability in the maritime sector for a conducive economic development in the region. With a membership of eight states; seven in ECCAS (Angola, Cameroon, Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe) and one in West Africa (Nigeria), GGC countries in November 2012 signed in Luanda, *the Luanda Declaration on Peace and Security in the Gulf of Guinea.*\(^{119}\) It called for the establishment of an inter-state dialogue in response to the increasing maritime insecurity as well as inter-state boundary issues such as arms proliferation, crude-oil theft, terrorism and migration that require inter-state approach.\(^{120}\) The Gulf of Guinea Commission is expected to serve as a bridge between ECOWAS and ECCAS, in a view to harmonizing their policies and activities in the common Gulf of Guinea region, as it advocates for adjusting its membership to include all the countries in the Gulf of Guinea area.

*Maritime organization West and Central Africa (MOWCA)*

MOWCA is made up of 20 West and Central African coastal States and 5 landlocked States. These include; Angola, Benin, Cameroon, Cape Verde, Congo, Côte d’Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone and Togo. The landlocked member States are Burkina Faso, the Central African Republic, Chad, Mali and
Niger. It was established to ensure a cost-effective shipping service for sub-regional countries focusing on promoting safety and combating pollution.

MOWCA, as already indicated, worked with the IMO and initiated several programmes to strengthen cooperation in the shipping industry to tackle issues of vessel and littoral security and to improve maritime policing and the protection of the environment.

2.7.4 Sub-Regional Effort

**Economic Community of Central African States (ECCAS)**

In a collective sub regional effort to fight piracy, Central African countries have come together under the umbrella of ECCAS and developed in 2008 a comprehensive joint maritime security architecture designed to serve as a model for the entire Gulf of Guinea region at the request of its Council of Ministers for peace and security. The strategy is built on six pillars including (i) information management; (ii) community surveillance through the detection and the sharing of assets; (iii) the legal and functional harmonization of States’ action at sea; (iv) self-financing, through a community tax; (v) logistics; and (vi) the institutionalization of a maritime conference for Central Africa. In October 2009, the ECCAS Committee of Chiefs of Defense Staff adopted a Protocol that provided for the establishment of a sub-regional maritime security centre, the Regional Centre for Maritime Security in Central Africa (CRESMAC), which is located in Pointe-Noire, Congo.

ECCAS has divided its maritime space into three zones which operate under the command of CRESMAC: A, B and D. Zone A includes Angola and the Democratic Republic of Congo, Zone B consists of Angola, Congo and Gabon, and Zone D covers Cameroon, Equatorial Guinea, Gabon and Sao Tome and Principe. Each of the zones is supervised by a multinational
coordination centre. A joint surveillance patrols started in Zone D in September 2009 as a coordinated effort against piracy.

In April 2010, the ECCAS Council for Peace and Security adopted a funding mechanism that provides for countries in each zone to pool their maritime taxes into a single community tax for maritime security. In the same vein, Angola, Cameroon, Congo, Equatorial Guinea and Gabon have also made available their military centres for regional maritime training.

The implementation of the strategy in Zone D yielded positive results after two years of activity, leading to the stabilization of the security situation in that zone. There has been a significant decline in piracy activity in the area, although casual intrusions continue in Cameroon waters and sometimes on-shore. There has also been a decrease in illegal fishing and smuggling in the area.

2.7.5 Economic Community of West African States

The first concrete step of the West African sub-region towards building a joint maritime security and piracy under the umbrella of ECOWAS was initiated at a meeting of the ECOWAS Committee of Chiefs of Defence Staff (CDS) held in Cotonou in April 2010. A recommendation was made in subsequent meeting in January 2011 to ECOWAS Commission to develop a regional maritime security governance concept. The rise in incidents of piracy and related maritime insecurity, particularly in Benin, Côte d'Ivoire, Ghana, Guinea, Nigeria and Togo in 2011, raised concerns which led to a push for ECOWAS subcommittee on maritime security to develop an Integrated Maritime Security Strategy (EIMS).

The five objectives of the EIMS strategic framework are to strengthen maritime governance, safeguard and secure the maritime domain, manage the maritime environment,
optimize the ECOWAS maritime economy and to promote maritime awareness and research among members.\textsuperscript{121}

2.8 Regional Collaboration

A meeting of Foreign and Security Ministers of ECOWAS and ECCAS in collaboration with the United Nations, in Benin in March 2012, fine-tuned a collaborative regional effort to improve maritime security in the Gulf of Guinea. As a follow up, a summit of Heads of State and leaders of ECCAS, ECOWAS and the GGC was held in Yaoundé, Cameroon, on 24-25 June 2013.

Perhaps the Yaoundé Declaration was the first collective step by nations in the Gulf of Guinea towards dealing with piracy in the region; An effort that may nonetheless need to be complimented by a wide range of support by the international community for success. This declaration led to the signing of a “Code of Conduct for the prevention of piracy, armed robbery against ships and illicit maritime activity in west and central Africa.”\textsuperscript{122} The code also focuses on information-sharing, deterring piracy and other illicit maritime activities, and issues of prosecution, i.e. encouraging signatories to pass relevant national legislations for the prosecution of pirates. Cameroon was chosen by the leaders to host the Inter-regional Coordination Centre on Maritime Safety and Security for the Central and West African maritime space with headquarters in Yaoundé.

2.9 Bilateral and National Efforts

As already noted, large proportion of maritime crime in the Gulf of Guinea takes place in the territorial waters of coastal states, a situation which makes it impossible for international
naval operations and even armed private security guards to intervene on their own unless with
the agreement of the states. It therefore remains the duty of these states to be at the forefront of
the fight against the menace, as it bothers on jurisdiction.

In a coordinated effort, neighboring Nigeria and Benin launched “Operation Prosperity”
in September 2011, as part of President Yayi Boni’s diplomatic campaign to fight piracy. The
six-month joint tactical training constituted the first phase with 95% Nigerian support in the form
of two helicopters, two maritime vessels and two interceptor boats. Benin contributed 5% of the
cost with two Defender boats, provided by the Government of the United States of America.

Since the operation begun, a number of successful attacks in the part of the Gulf of Guinea have
fallen, with the arrests in October 2012, of two tankers carrying out ship-to-ship operation while
shipping boats and tankers were rescued from pirate attacks.

Military and political leaders from Benin, Ghana and Togo including experts from the
UN and the EU met in Benin on 8th November 2011, to discuss strategies to combat the surge in
pirate attacks in the Gulf of Guinea. The three-day meeting focused on attacks that have seen
pirates hijack tankers off the West African coast. Here, they seize fuel or oil cargo to sell on the
region’s lucrative black market.

At the national levels, Nigeria in 2012 established an expanded maritime security
framework, Operation Pulo Shield (OPS), from the existing Joint Task Force, Operation Restore
Hope, which was initially established to combat militancy in the Niger Delta. The OPS’s
mandate was to eliminate pipeline vandalism, crude oil theft, illegal oil refining, piracy and all
forms of sea robbery.

Nigeria remains the only state in the region that possesses a frigate, corvette or aerial
surveillance capacity. The country in December 2013, did install anti-piracy surveillance towers
along its coast, costing roughly $12m. The equipment is reported to have high-frequency radio and long-range cameras able to spot ships up to 30 miles away. The data the towers collect is beamed to a central naval intelligence room and then checked against ships’ registration, flag and other information.\textsuperscript{126}

In January 2014, Ivory Coast announced that it was acquiring about 40 new vessels to bolster its navy, depleted during a civil war in 2011, to combat the growing threat from pirates. The Ghana Government in July 2012 took delivery of two German warships. The country also acquired four Chinese ships to strengthen the patrols protecting off-shore oil fields.\textsuperscript{127} The country bought two corvettes from China, as well as an ocean-going warship and several small Patrol Boats from France, Israel and Malaysia.\textsuperscript{128}

The government of Cameroon launched offensive attacks against pirates in the Bakassi peninsular since 2009 with the formation of the elite Rapid Intervention Battalion (RIB). The country has about 2,000 men to monitor its coasts in response to attacks. Gabon with a smaller Navy acquired four coastal launches with a range of 800 nautical miles in 2010, while the Republic of Togo in 2012, agreed to hire private security companies to guard anchored vessels at the port of Lome.
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CHAPTER THREE
GHANA’S RESPONSE TO MARITIME PIRACY IN THE GULF OF GUINEA

3.0 Introduction

This chapter looks at the threat posed by maritime piracy to the socio-economic development of Ghana and examines the responses that Ghana has put in place to stem the tide of the menace in its territorial waters, while working with the larger international community to minimize the threat in the sub-region as a whole.

3.1 Scope of Threat of Piracy to Ghana

Maritime piracy in the Gulf of Guinea remains a great security concern to Ghana. Its negative effects on the country, especially in the areas of regional maritime trade, resource exploration and exploitation, offshore oil installations, the fishing and transport industries cannot be underestimated. Ghana’s general security is at risk and the effect on its national economic growth is enormous.

Ghana over the years has had little or no incidents of pirate attacks on its territorial waters. On the contrary, the Ghana Navy had on some occasions intercepted hijacked ships on its waters. An example is when the Liberian flagged CANCALE STAR which was hijacked off the coast of Benin on 24th November 2009. The vessel was intercepted a week later by the Ghana Navy. Another example is an incident of piracy which occurred in the most southern part of the Gulf of Guinea. This was an attack on a Greek-owned 75,000-ton oil-tanker MT KERALA, which disappeared off the coast of Luanda, Angola on 18th January 2014. This vessel was also later
arrested by the Ghana Navy at the port of Tema, in collaboration with their Nigerian counterparts.

A wake up call came with the reported hijack, on June 4th 2014 near Accra, Ghana, of MT FAIR ARTEMIS, a Liberia-flagged oil tanker transporting oil, which was the first of its kind in Ghana’s territorial waters. The ship was found on June 12th on Nigerian waters with its 24 crew members unharmed but their personal effects as well as 3,500 metric tons of diesel siphoned by the hijackers. This incident was followed closely by the hijack in July 2014 of Kiribati-flagged product tanker, HAI SOON 6, off the coast of Ghana and later found in Nigerian waters.

According to the Ghana Navy, the incidents of pirate attacks in Ghana’s territorial seas is because most ships now choose Ghanaian waters as a waiting area before calling at ports in neighbouring countries. Others conduct unapproved Ship-to-Ship (STS) transfer of fuel (bunkering), thus, exposing ships to attacks by pirates on the blind side of the Navy, resulting in widening the monitoring area of the Navy.

The territorial waters of Sierra Leone, Liberia, Togo, Cameroon, Equatorial Guinea, Gabon, and Congo-Brazzaville have also recorded pirate attacks in 2014, just about the same period it was reported in Ghana.

These underscore the fact that the geographical scope of the threat of piracy has begun to expand in to neighbouring waters such as Ghana, which used to experience less of the threat. A situation that must be addressed at its very roots before it is blown out of proportion and becomes difficult to handle. The threats posed by piracy to Ghana’s socio economic development have taken the following forms:
3.1.1 Threat to Trade and Investment

It is estimated that over 90% of Ghana’s international trade is sea-borne, and the country generate over 70% of its annual revenue from the shipping industry. Allied logistics that attend to imports and exports also generates significant forward and backward linkages, including inland transportation, warehousing, banking, freight forwarding and other ancillary services that contribute immensely to our Gross Domestic Product (GDP). The Ghana Shipper’s Authority has an agreement with neighbouring landlocked states such as Burkina Faso, Mali and Niger for the use of Ghana’s ports of Tema and Takoradi as transshipment corridors. Ghana and some of its neighbouring countries depend on resource exports through the two ports and the security risk posed by piracy to these ports and surrounding waters could severely hamper development goals and leave millions in poverty.

Maritime piracy has the tendency to raise the cost of investment in Ghana and neighbouring states, as companies, in their efforts to put measures in place to deter pirates on merchant ships incur extra overheads, thereby increasing the cost of doing business. Allowing acts of piracy to fester, therefore, means Ghana’s competitiveness in international trade stands to be unduly affected. Also, identifying Ghanaian waters as pirate prone automatically shoots up the insurance premium for ships that ply the territorial waters, thereby raising the insurance premiums for imports and exports. Increase in cost as a result of these measures will spikes prices which will be borne by the countries of West Africa and their citizens. At worse Ghanaian waters could be added to the list of dangerous shipping areas similar to what happened to Benin.
3.1.2 Threat to Ghana’s Energy and Oil Resources

The threat of piracy to Ghana’s energy sector as a whole is enormous. Ghana started commercial oil production in 2010 from its Jubilee oil field and subsequently the Tweneboa, Odum, Mahogany, Odum, Sankofa, Dzata, Akasa among others, all of which are located offshore. In 2011, the country realized the sum of US$470 million from oil production. This increased to US$567 million in 2012. The Jubilee partners have so far produced 83 million barrels of oil with a daily production of 110,000 barrels by the end of 2013. The country’s total revenue from oil at the end of the first quarter of 2014 had hit US$2.167million.

Apart from the offshore hydrocarbon development, projects such as Ghana’s thermal power generating units at Aboadzi and the Osagyefo plant which are all along the coast of Ghana are in peril. Thus the efforts by the Volta River Authority (VRA), to meet Ghana’s energy needs will be thwarted. Linked to the thermal facilities for Ghana’s energy needs, is the West African Gas Pipeline which will export natural gas through a 640 km pipeline from Nigeria to delivery points in neighboring Togo, Benin and Ghana. The project is expected to provide a relatively cheaper source of energy for power generation for industrial development in various countries, generating about $US 800 million new industrial investment in the region. It is also expected to serve as an impetus for the integration of ECOWAS countries.

Unfettered piracy in the territorial waters of the country and the Gulf of Guinea has the effect of impeding the growth of the oil and energy sectors of the country. This will ultimately result in a decline in energy production and therefore investment opportunities in the country. It is worth noting that any oil that is stolen and resold at the black market is not taxed and this is a loss of revenue to the state.
3.1.3 Threat to Fishing Industry and the Livelihoods of Coastal Communities

Ghana’s fishing industry contributes to over 60% of animal protein intake and 12.3% of total Agriculture export. The sector contributes 3% to GDP, and accounts or 5% of Agriculture GDP and 10% of labour force. Apart from fishing in the 550km coastline, of the country, Ghanaian fisher folks are found in the coastal communities of Nigeria, Benin and Côte d’Ivoire. They are also found in Liberia, Senegal and as far as the Republic of Congo. Other countries who are Ghana’s partners in the fishing industry, gets concessions to fish in our waters and this adds to Ghana’s revenue from that sector. Thus the fishing industry plays a major role in Ghana’s revenue sources and the sustainable livelihoods and poverty reduction in several households and communities at large.

Ghana stands to lose enormous income, endure increase in the prices of seafood and a reduction in the intake of protein if piracy is not checked. This is because insecurities on the waters will not aid the thriving of the fishing industry. Ghana’s developing partners definitely as a prudent business measure, will look elsewhere, where the waters are safe to ply their trade. Its resulting effect cannot be over emphasized.

3.2 Ghana’s Response to Maritime Piracy

Over the years, the ability of individual states to afford the military power to fight crime in its territorial seas has been the major ways of securing their individual waters. This is because no matter how we see it, piracy in territorial waters is jurisdictional in nature as the sovereignty of affected states is in issue. This effort has often led to the consistent retooling of the navies and coast guards in various countries in a bid to ward off the criminal activities in their territorial seas. However, the phenomenon of piracy remains a transnational crime. Thus the need for hit
countries to collaborate with foreign development partners and neighbours in the form of bilateral cooperation, as part of their efforts to fight against the crime.

To enable a nation to contribute effectively in the fight against piracy, there is the need to put in place measures to detect, deter and disrupt activities of pirates. Consequently, Ghana in her effort has put in place legislative, operational and administrative measures to meet these obligations at sea. There are also land based measures in place to balance conflicting interests, to ensure that a fertile ground is not created for the individuals to have the proclivity to go into piracy. These responses have been done through effort at the national level and in cooperation with other partners in the region and beyond.

3.2.1 Ghana’s Legislation and Administration Responses

Ghana has embarked on empowering the Ghana Maritime Authority (GMA), the regulatory body of the country’s maritime sector. To this end, Ghana’s parliament, in August 2011 passed three bills to amend key legislations. They included the Ghana Maritime Authority Amendment Act 2011 (Act 825), Ghana shipping Act 2011 (Act 826) and Ghana Maritime Security Amendment Act 2011(Act 824). Although these Acts were instituted for the purpose of protecting Ghana’s oil, it also seek to extend security presence to offshore and Ghana’s territorial waters, which invariably will help curb acts of maritime insecurity including piracy over time, something which the substantive legislations did not emphasize. Some specific new additions are discussed below:

The Maritime Authority Amendment Act 2011 amended the GMA Act 2002, Act 630. Presently, it has empowered the Minister of Transport to make regulations to impose specific charges, fees and levies, to cover administrative cost to ensure there are sufficient resources for
the GMA to meet its objectives. With the discovery of oil in the midst of growing maritime security concerns, the GMA was confronted with new challenges which its existing sources of fund could not support. Policy development, administration, legislative and human resource capacity building, are necessary to support offshore oil and gas development.

The Ghana Shipping Amendment Bill 2011 amended the definition of Ghanaian waters to include the waters within 500 meters safety zone. This was generated automatically under the UNCLOS, around installations in the EEZ beyond the territorial sea. It also introduces administrative mechanisms for the publication of information on maritime safety for ease in the disseminating of information in the maritime industry.

The Maritime Security Amendment Act also provided security for mobile offshore and onshore installation units. Ghana, with the earlier GMA Security Act 2004 (Act 675) had implemented the International Ship and Port facility Security, ISPS, Code of the IMO, under the International Convention on Safety of Life at Sea (SOLAS). Chapter XI-2 deals with special measures to enhance maritime security. Its application was however limited to installations beyond territorial waters. The current amendment extends the existing legislative framework to cover Ghana’s Maritime Jurisdiction. It also incorporates audit and inspection provisions to empower the GMA to audit and inspect both Ghanaian and foreign-registered ships including mobile offshore drilling units and installations located in Ghanaian waters. These steps were part of efforts to ensure that the GMA obtained adequate funds to purchase the necessary technical aids to help detect criminal activities in the country’s marine environment.

As already noted, piracy in the Gulf of Guinea is partly attributed to. As part of measures to forestall the structural defects in the oil industry to so as to avert the type of problem in Nigeria’s Niger Delta region, the Marine Pollution Act is at its advance stage of passage. This
regulatory framework will help preserve the marine environment, especially to deal with the unhealthy environmental degradations that come with explorations and exploitations.

At the international level, UNCLOS defines the right to maritime boundaries and the rights and responsibilities of states with regards to maritime domain. Article 100-111 of the law also addresses maritime piracy and armed robbery against ships. To this end states are expected to adopt and incorporate these instruments into the national laws.\textsuperscript{24} Ghana has acceded to and or ratified several international instruments governing piracy and associated offences, thus forming part of her laws.

Ghana’s Criminal Offences Act 1960, Act 29, criminalizes piracy and states in Section 193:

(1) A person commits an act of piracy who, as the owner or master of a ship,

(a) Sails the sea in that ship without authorization from the government of a country with the object of committing depredations on property or acts of violence against persons,

(b) Or commits an act of depredation or violence from or by means of the ship

(2) A person commits an act of piracy, who as a member of the crew or a passenger of a ship,

(a) conspires with any other person to rise against its master and officers or to seize the ship,

(b) Or in common with any other person, engages in acts of hostility against her master and officers

(3) A master or seaman commits an act of piracy if the master or seaman

(a) Betrays the trust reposed in any of them, runs away with the ship or goods belonging to the ship or yields them up voluntarily to a person contrary to duty,
(b) Or conspires or combines with or attempts to corrupt a master, an officer or a seaman to yield up or run away with a ship or goods.

(c) Or makes or endeavours to make a revolt in the ship.

Section 193 of the Act 29 seems to give the widest definition and or description of the offence of piracy. It shows the extent to which the country frowns on the offence and per Section 194 a person who commits the act of piracy commits a 1st degree felony.²⁵

Associated instruments of UNCLOS, established under the auspices of the IMO, such as the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) Convention, 1988 have also been duly ratified. The country has also acceded to the SUA 2005 Protocol relating to fixed platform located on the Continental Shelf as well as the International Convention on Maritime Search and Rescue (SAR), with its centre (National Maritime SAR Coordination Centre) established in Tema.

Pursuant to the Act 675 of 2004, the International Ship and Port Facility Security (ISPS) Code has been implemented. This creates a positive environment for ships to call at Ghana’s ports as well as its offshore terminals thereby facilitating the country’s international seaborne trade. Other laws acceded to and currently fine-tuning the International Convention for the Prevention of Marine Pollution from Ships, 1973 and modified by the protocol of 1978 relating to MARPOL 73/78 (Annexes 1-IV), the 1990 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter 1971. The rest include the International Convention on High seas in case of Oil Pollution Casualty (also called Intervention Casualty), Oil Pollution Preparedness Response and Co-operation Convention (OPRC), the 1992 Civil Liability Convention (CLC) and the International Oil Pollution Compensation Fund 1992 (FUND 92).
The five-chapter Act (675) will deal with application and responsibilities of the marine authorities, international oil pollution compensation fund, and enforcement among others, thus, incorporating various international Conventions into her national legislation.26

3.2.2 Ghana’s Offshore Responses
3.2.2.1 Vessel Traffic Management Information System (VTMIS)

For an effective response to maritime crime and piracy, there is the need to detect, wrongdoing at sea, by the use of appropriate equipment and technology and also trained human resources. This helps reduce sea blindness, characteristics of most countries in the Gulf of Guinea. The GMA acquired and put to operation in April 2014, a Vessel Traffic Management and Information System (VTMIS) an electronic surveillance equipment which monitors activities on both sea and water bodies on land. The 17 million Euros facility funded from a Finnish concessional loan has control and monitoring centers across the country to give minute report on all that goes on in the nation’s waters.27

The VTMIS consists of eight Remote Sensor Sites (RSS) installed along the entire coast of Ghana from Keta to half Assini, for the purpose of enhancing Maritime Domain Awareness. There are three Remote Base Stations (RBS) along the Volta Lake (for the inland water ways), three manned Area Control Centers (ACC) for the west, central and east sectors, and one National Control Center (NCC) located at the headquarters of the GMA in Accra. The VTIMS provides 24 hour electronic surveillance data on Ghana’s coastline including its EEZ to ensure protection of marine resources, as well as offshore installations.28

The RSSs have communication towers and are equipped with marine radars, Automatic Identification Systems (AIS) and CCTVs for detecting and identifying ships and boats. Also
marine communication radio equipment has been installed, in compliance with international marine requirements and standards.

Other key benefits of the VTIMS include: Improving security and safety of navigation and environmental protection and assisting competent authorities to deter illicit transaction in goods, such as drugs and unauthorized movements within Ghanaian waters. Furthermore the facility enhances the protection of fish spawning and feeding grounds by continuous monitoring and help to prevent Illegal, Unreported and Unregulated (IUU) fishing. It also enables Ghana to participate in the Global Maritime Distress and Safety System (GMDSS) and in ship reporting system using the Long Range Identification and Tracking (LRIT) and improve coordination in Maritime Search and Rescue (SAR): enabling Ghana to fulfill her commitment under the International Convention on Maritime Search and Rescue, among others.\(^{29}\)

Data from the RSSs are transferred to the manned Control Centres where operators have display screens depicting vessel traffic. In addition, there is a provision for ten Monitoring Stations (MS) for selected stakeholders to monitor vessel traffic. Such stakeholders include the National Security, Fisheries Commission, Narcotics Control Board, Ghana Immigration Service, Customs Division of the Ghana Revenue Authority, Ghana Ports Harbours Authority, Regional Maritime University and agencies.

3.2.2.2 Maritime Trade and Information Sharing Centre for the Gulf of Guinea (MTISC-GoG)

A centre named the Maritime Trade and Information Sharing Centre for the Gulf of Guinea (MTISC-GoG) has been opened at the Regional Maritime University (RMU) near Tema and currently operates a Maritime Security Guidance-Gulf of Guinea (MSG-GoG). The centre operates a Voluntary Reporting Scheme under which merchant vessels are encouraged to report
while in the Voluntary Reporting Area (VRA) and keep communication open until they arrive at the port of call. The facility gives pictorial information on ships off Africa’s western seaboard from Mauritanian to Angola, and this is shared with security agencies and coast guards, among other contacts, in the Gulf of Guinea states.\textsuperscript{30}

The facility was also established at the initiative of the Shipping Industry supported by a number of countries from within the G7 “Friends of the Gulf of Guinea” (G7++FOGG) group, to assist ships and seafarers to avoid becoming victims of maritime crime in the Gulf of Guinea. The system also provides a summary of maritime security incidents within the voluntary reporting area.

\textbf{3.2.2.3 Ghana Navy}

The Navy of the Ghana Armed Forces (GAF) has the traditional role of maintaining the country’s territorial integrity. They do so by preventing criminal and illegal activities on the sea, managing marine resources, protecting and preserving the marine environment as well as ensuring the safety of life and property at sea.\textsuperscript{31} In the effort to perform its mandate, the Navy, between 1974 and 1980, acquired a total of 19 ships including 6 fast attack Craft Class. By 1981, 15 out of the 19 ships were decommissioned.\textsuperscript{32} The U.S government donated 2 logistics ships and 1 in-shore Patrol Craft to the unit in 2002, another four Patrol Craft in 2010.\textsuperscript{33}

As a measure to fight against maritime insecurity, the government took initiatives to resource the Navy to enhance their performance. To this end, the Navy took delivery of four (4) 46-metre fast Patrol Boats, two (2) fifty-seven 57-meter refurbished Type 143A Gepard fast attack Craft ex-German boats; \textit{GNS Yaa Asantewaa} and \textit{GNS Naa Gbewaa in 2010}.\textsuperscript{34} The Navy currently has a fleet of 4 fighting ships, 2 logistic ships, an in-shore Patrol Craft 7 Defender
Class Boats to over-sea an area of over 64,000 square nautical miles.\textsuperscript{35} The Ghana Air Force has also acquired three Diamond aircrafts for marine surveillance. According to Ghana’s Defence Minister, progress have been made in the acquisition of Offshore Patrol Vessels (OPV), for the Navy to enhance its capacity to patrol Ghana’s EEZ more effectively.\textsuperscript{36} The OPV have longer range and can carry more sailors and weapons at a time.

In a tactical move to tighten security in the nation’s waters, the Ghana Navy carries out anchorage and patrols in the nation’s ports and harbours and escorts ships in its waters. It also keeps records of all licensed and fuel transfer ships that come into the nation’s ports to enable checks on oil bunkers in territorial waters. The Ghana Navy has also stepped up its monitoring and patrols to cover the entire EEZ of the country and has constantly maintained its presence at sea to deter criminal activities it its Ghana’s territorial waters.\textsuperscript{37}

These measures have led to some successes chalked by the Navy in recent times. A number of foreign ships conducting illegal activities in Ghana’s territorial waters have been arrested. These include the \textit{MT MUSTARD}, arrested in August 2013 after it was used in hijacking an oil tanker, \textit{MT COTTON}, off the coast of Gabon. Another is the interception of \textit{MV ATTIIYA}, which was arrested in November 2013 for illegal trafficking of 414 kg of cocaine worth 125 million Ghana Cedis, and two other ships arrested for illegal fishing in Ghana’s territorial waters.\textsuperscript{38} In recognition of their efforts, the Navy was adjudged by \textit{Security Watch African Magazine} as the most developmentally conscious Navy in West Africa.\textsuperscript{39}

\textbf{3.2.2.4 Ghana Police Service}

A notable trend of piracy in the Gulf of Guinea is its major occurrence within the territorial seas of coastal states. This places the criminality under the jurisdiction of the police
service, just as any crime perpetrated on land. A special wing of the Police Service was set up, known as the Ghana Marine Police Unit (MPU) in Takoradi, and inaugurated on 21st June 2013. At the inaugural ceremony, Ghana’s Inspector General of Police, Mr. Mohammed Ahmed Alhassan, disclosed that initial one hundred (100) police personnel will collaborate with other agencies in the maritime industry to maintain law and order in the country’s territorial waters. They are also to protect life and property and prevent maritime crime, to support the overall successful operation of the oil and gas industry and to promote safe maritime transport in the country.  

Following the creation of the Unit, a new training facility for the National Marine Police has been established at the cost of $ 1.2 million through collaboration between the U.S-Africa Command. The project is expected to progress in phases into a centre of excellence for training West Africa marine police personnel.  

3.2.2.5 On-Shore Measures  

As have been discussed earlier, piracy in the Gulf of Guinea is attributed to weak governance and limited legitimacy, with its attendant socio-economic features such as unemployment, disenfranchisement, lack of education, infrastructural deficit, environmental pollution, poor natural resource management and corruption. Freedom Onuoha succinctly posits thus that despite their vast oil resources, most of the Gulf of Guinea states record worse indices of human development such as high unemployment and poverty derived from bad governance, with dwindling opportunities for legitimate livelihoods in the midst of affluence, making the youth easily recruited into criminality.

The above is an indication that there is the need for a holistic approach to fighting piracy and other maritime crimes that would include providing good governance and legitimate
livelihoods for the citizenry. It is in view of the above that Ghana’s decade of democratic governance and political stability can be described as a necessary measure in the fight against maritime piracy. Ghana was the first country to be peer reviewed in various aspects of good governance in 2006. Good governance is a necessary tool for ensuring that most critical requirements of the citizens are met through sustained programmes and policies.

3.2.2.6 Local Content Law

At the discovery of oil in Ghana, the expectation generated among Ghanaians as a whole and especially the local communities closer to the offshore operation in particular, was one of mixed feelings, being mindful of the famous Dutch Disease that comes with it. Against this backdrop, measures have been put in place to avert any social unrest provoked by complaints of lack of development and participation as witnessed in neighbouring Nigeria. One of such initiatives is the local content development and participation programme.

The Local Content Development and Participation in Petroleum Activities law 2013 (L.I 2204) was passed, setting a goal of 90% local content in the industry by the year 2020. In his presentation to parliament in 2013, Ghana’s Deputy Minister for energy observed that about 840 Ghanaians have so far been employed in various capacities, as against 660 expatriates, constituting 57% local content. However, analysts have termed the local content law an exceptionally high target. They maintain that limited direct job created by the industry, high level of poverty coupled with the absence of relevant skills present strong barrier to the employment of Ghanaians in the industry. Ghanaian companies also lack access to funds and the expertise to offer goods and services to the industry.
The Government is committed to training the needed human resource capacities as the need may be to fit in the local content programme. The Ministry of Energy is currently funding technical training programmes in the local universities and a centre (Enterprise Development Centre) has been created to provide oil-specific business training to Ghanaian small and medium enterprises. Some companies in the oil industry have also offered scholarships to students to study various university programmes in petroleum and gas management.48

3.2.2.7 Petroleum Revenue Management

It is important that the monies realised from the oil industry is seen to be managed well by stake holders as any mismanagement could result in the militancy and uprising seen elsewhere. The Petroleum Revenue Management Act (PRMA) 2011 was passed through a public debate; and it details exactly the actual sources of the expected revenue and how it is to be managed and spent. What is needed is the political will to effectuate this laudable step. Other fund management units like the Heritage and Stabilization funds have been set up and its main objectives are to concentrate on priority areas such as the amortization of loans for oil and gas infrastructure, building of roads and other infrastructure, agriculture modernization, and capacity building in the oil and gas industry.49 A 12-member Public Interest & Accountability Committee (PIAC) has also been formed to scrutinize the spending of oil revenues.50

While government’s efforts stated above, has been commendable, fishermen in coastal communities have attributed the decline in fishing proceeds to the activities of the oil industry. It is therefore submitted that the government creates alternative livelihoods opportunities for fisher folks in the area. In this regard, the revival of the Komenda Sugar Factory is laudable.
3.2.2.8 Tackling Corruption

One of the drivers of piracy in the sub-region is corruption among officials of government agencies in the maritime industry, who, instead of fighting crime at sea, rather condone crime for individual gains. Chatham House reported in September 2013 that corruption and fraud are rampant in the country’s oil sector, as lines between legal and illegal supplies of Nigerian oil can be blurry. In such a climate, pirates have an incentive to steal oil, since they know that they will be able to sell it on the black market.\(^{51}\) In Copenhagen on 7\(^{th}\) October 2014, Shipping Risk Intelligence experts estimated there will be an increase in piracy activities in the Gulf of Guinea as Nigeria prepares for an election February 2015. Adding that, operatives will wish to secure funds for political candidates, through whatever means.\(^{52}\) This shows how piracy is interwoven in Nigeria’s political system.\(^{53}\)

Ghana’s 1992 constitution establishes a number of institutions such as the Commission of Human Rights and Administrative justice (CHRAJ) and the Economic and Organised Crime Office (EOCO). These are institutions set up to check administrative excesses in the public sector especially. In the wake of transnational crimes, the Financial Intelligence Centre was also established in 2010 as an institution to check anti-money laundering and terrorist financing. They also probe into illicit acquisition of money. The Public Procurement law and the Whistle Blower law have all been passed while the Freedom of Information Bill awaits its passage. All these institutions and laws are to ensure and enforce a much transparent and fairer dealings with public revenue as well as to ensure the maximum level of accountability by public officials to the people.

The parliament of Ghana on July 3\(^{rd}\) 2014 approved a National Anti-corruption Action Plan (NACAP) which integrates anti-corruption measures into the programmes and activities of
public sector organisations and allows for collective action and sustained coordination of efforts as well as the judicious application of resources to combat corruption.\(^\text{54}\)

3.2.2.9 **Youth Employment**

In an effort to curb youth unemployment and bring about economic stabilization in the country, Ghana has established the National Youth Employment Programme (NYEP), now called the Ghana Youth Employment and Entrepreneurial Development Agency (GYEEDA) under its Ministry of Labour Relations. The programme which has about 30 modules is aimed at providing the unemployed youth with the requisite skills and temporary employment to reduce unemployment and its associated crimes.

Although the programme has in the past suffered some structural setbacks, it is expected to be re-launched with the introduction of new modules one being “The Youth in Maritime Labour,” which is targeted at people from the geographical location where the oil industry is concentrated. Here, trained youth will be offered the opportunity to benefit from employment opportunities on ships outside the country.\(^\text{55}\)

3.2.2.10 **Ghana’s Regional Efforts**

The strategic importance of the Gulf of Guinea to the West African sub-region calls for a collective response to offences on the waters. Ghana has actively participated in a number of regional responses through sharing of ideas and intelligence. It has also participated in various training programmes over the years as part of measures to roll out anti-piracy strategy in the Gulf of Guinea.
Ghana joined the GCC in 2013 as part of measures to contribute to the fight against maritime insecurity. The GCC hitherto had Nigeria as the only West African country working with other counterparts in ECCAS. The country also actively took part in a meeting of Foreign and Security Ministers of ECOWAS and ECCAS in collaboration with the United Nations. The meeting was convened in Benin in March 2012, to fine-tune collaborative regional efforts to improve maritime security in the Gulf of Guinea. It also partook in a subsequent summit of Heads of State and Leaders of ECCAS, ECOWAS and the GGC in Yaoundé, Cameroon, on 24-25 June, 2013.

This summit culminated into the Yaoundé Accord as the first collective step by Gulf of Guinea states towards dealing with piracy in the region, an effort that may nonetheless need to be complimented by a wide ranging support by the international community for success. This declaration led to the signing of a “Code of Conduct for the prevention of piracy, armed robbery against ships and illicit maritime activities in West and Central Africa.” The code also focuses on information-sharing, deterring piracy and other illicit maritime activities, and issues of prosecution, i.e. encouraging signatories to pass relevant national legislations for the prosecution of pirates.

An eight-week maritime safety and security courses was organized in Accra by the Regional Maritime University, with the support of the EU’s CRIMGO project on Maritime Piracy and Armed Robbery at sea in the Gulf of Guinea. The course which started in January 2014 brought together 26-mid managers and operators from seven coastal countries of the Gulf of Guinea: Ghana, Benin, Cameroon, Gabon, Nigeria, Sao Tome and Principe and Togo. Participants were offered training in maritime regulations, prosecution of illegal activities, and fair governance in the maritime domain.
Military and political leaders from Benin, Ghana and Togo including experts from the UN, and the EU met in Benin on 8 November 2011 to discuss strategies to combat a surge in pirate attacks in the Gulf of Guinea. The three-day meeting focused on how to manage incidents of pirate attacks and hijacking of tankers in the Gulf of Guinea to steal fuel or oil cargo to sell on the region’s lucrative black market.\(^{58}\)

At the bilateral level, The Chief Naval Staff, CNS, of Nigeria on a visit to his Ghanaian counterpart on 10\(^{th}\) September 2014, stressed the need to strengthen cooperation between the Navies of the two countries in the maritime domain.\(^ {59}\) Among other key areas of cooperation discussed was information sharing between the navies of the two countries with the biggest navy personnel in the West Africa, Nigeria and Ghana, on intelligence, piracy in their territorial waters, oil theft, illegal bunkering, illegal fishing, smuggling and robbery off shore.

Recent collaboration between the navies of Ghana, Nigeria and Cameroon led to the arrest of *MT KARELA* at the port of Tema. Angolan navy informed the Nigerian counterpart about the vessel in Nigerian waters; the Nigerians trailed the ship into Ghana’s territorial waters and informed the Ghana navy, who finally effected the arrest.\(^ {60}\)

### 3.2.2.11 Ghana’s International Effort

Ghana has partnered with the international community in diverse way in efforts to curb the piracy menace. Ghana has consistently taken part in various tactical training programmes under the US-AFRICOM Africa Partnership Station (APS) programme, one of which is operation *Obangame Express* since 2011 as discussed earlier.

The Government of Ghana in partnership with The Africa Center for Strategic Studies (ACSS), the U.S. Department of State Bureau of International Narcotics and Law Enforcement
(INL) on June 4-6, 2013, organized a three-day workshop for representatives from various agencies responsible for maritime safety and security in the ECOWAS Zone F Countries in Accra, Ghana. The workshop evaluated the relationship between maritime crime and related gaps in criminal justice and capacity building in West Africa under the theme, Trans-Atlantic Maritime Criminal Justice.

The Government of France is funding a three-year project under the “Priority Solidarity Fund: support to the reform of maritime security sector in the Gulf of Guinea”. The million dollar project is aimed at building the capacity of the national security forces of Benin, Ghana and Togo to enable them to provide effective maritime security.

The writer submits from the analysis of this chapter that Ghana has responded in various ways as a country in self-help fashion to fight piracy and secure its territorial waters. Although the result of these measures has to a large extent ensured that the country relatively has been spared from piracy and other violent criminal act in its territorial waters between 2009 and 2013, it nonetheless did not prevent Ghana-bound vessels from attacks in neighbouring waters.

It has been observed that a successful effort of one country in fighting pirates in its territorial waters only result in the spread of criminal activities in the seas of neighbouring states. Nigeria’s effort to thwart piracy has resulted in a shift of attacks further west into the Gulf of Guinea, off the coast of Ghana and Côte d’Ivoire. Hence Ghana recorded substantial pirate attacks in its territorial waters in 2013 and 2014, an attestation that one country cannot fight piracy single handedly as routes used by vessel and tankers cut across multiple jurisdictions, and this complex geography means that any solution has to be multilateral.
Ghana’s Chief of Naval Staff, Admiral Beikro, speaking at the trans-Atlantic Maritime Criminal Justice Workshop for ECOWAS Zone F countries in Accra, on June 4-6, 2013.observed;

“A strategic approach for the Gulf of Guinea requires consistency between domestic and partner-initiated programs, as well as significant regional collaboration given the transnational character of most threats and vulnerabilities. Maritime threats in the Gulf of Guinea “are a growing concern for Africa as a whole in a foreseeable future. No single country possesses the capacity, in terms of expertise and resources, to single-handedly deal with the threat. This is unfortunately even much more so in respect of African countries generally.”

The above is a suggestion that the concept of collective security is necessary in the fight against every transnational crime including piracy. Thus, any effective strategy must incorporate national, regional and global realities.
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CHAPTER FOUR

SUMMARY OF FINDING, CONCLUSIONS AND RECOMMENDATION

4.1 Summary of Findings

The study examined the responses to the menace of contemporary maritime piracy in the Gulf of Guinea, with particular reference to Ghana. Piracy in the Gulf of Guinea has existed in the quiet, decades ago but has to a large extent been concentrated in the waters of Nigeria and thought to be linked with the structural challenges in the oil industry in the Niger Delta. The incidents of piracy in the region were further overshadowed by pirate attacks on international vessels on the coast of Somalia.

The expansion of the criminal enterprise, which was once restricted to Nigerian waters, into those of neighbouring states as a result of pressure that was brought to bear on the Nigerian-based criminal syndicate by heightened security in their own waters, and their embolden mode of hijacking and full-scale pilfering of oil tankers as a recent development brought piracy in the Gulf of Guinea to international attention. This coincided with piracy in Somalia being brought under control through international engagement.

It is submitted that the nature of pirate attacks in the Gulf of Guinea differs from what happens in Eastern Africa. First, there is a strong connection of piracy in the Gulf of Guinea to oil theft with a link to the black market for the sale of stolen oil in the region. In addition, criminals in the Gulf of Guinea have used a higher degree and much more sophisticated level of violence in their operations. They kill, maim and capture with the use of offensive weapons such as AK47, RPG and knives against crews members who become impediments to their motives of looting the cargo on the vessel. This mode of attack is different in the case of piracy in Somalia.
and the Gulf of Aden, where piracy largely has been as a result of failure of state structures leading fishermen-turn-pirates into mounting attacks on foreign vessels, motivated by the expectation of cashing in on ransoms.

Also pirate attacks in the region are well executed in a sophisticated manner and not at random. They target fully loaded tankers vessels with a foreknowledge of the valuable of the good, which means the criminal elements have links with highly placed individuals from whom they receive tip-offs in advance on the cargo.

The study identifies the root cause of maritime piracy in the region as bad governance giving rise to widespread corruption in the region. State structures and political leadership in the Gulf of Guinea are interwoven with the oil industry, and the regimes, both the political and the civil elements often depend on the gains in the industry to finance their operations. This is the case from Angola to Gabon, and especially so in Nigeria.

Other causes of piracy in the region are the weak enforcement of maritime laws by states in the sub-region. It has been observed that attacks usually happen in jurisdictional waters. Consequently, the maritime laws and enforcement tools are basically those of littoral states. It thus behoves on the various states to set up legal and enforcement mechanisms to deal with the canker. Also the concentration of state leadership on land based security at the expense of maritime security has been identified as one cause of piracy. The security enforcement on the waters is very porous thus perpetrators of the crime find it quite easy to attack.

The resultant effects thus are low levels of socio-economic development and high unemployment rates, most notably amongst the youth who are often seduced by the financial opportunities in oil thievery and associated criminal activities and also for the sense of leadership and ‘social belonging’ connected with the gangs. Piracy has its roots in poverty. Criminality
feeds on lack of opportunities, unemployment, and a frail political environment. Eradicate poverty and piracy will be eradicated. Unfortunately, poverty eradication is exceptionally challenging and something that will take generations to accomplish. It is important to note that policing and military counter-piracy operations only have short-term effects. Comprehensive counter-piracy strategies must comprise both long-term and short-term objectives to ensure a lasting effect.

The effects of piracy on the socio-economic development go beyond the sub region. The EU, US and Asia get much of their energy needs from the sub-region as well as investments of these major economies in the sub-region. For instance, the U.S and EU have enormous investments in oil exploration in Nigeria, Equatorial Guinea, Gabon, Angola, Ghana, Liberia and other newly found areas of oil exploration. The heavy amounts paid in ransom for their citizens, the killing and maiming of seafarers most of whom are foreigners are the hardships they get for their efforts in the sub region.

It is worth mentioning that efforts have been made by littoral states, complemented by several other interventions by the international community all in a bid to nib pirate activities in the region in the bud. Countries have cooperated with international partners at the individual state level in the forms of training their navies and coast guards and support in acquiring logistics.

Ghana has over the period retooled its national armies especially in the wake of its oil discovery. The Navy currently has a fleet of 4 fighting ships, 2 logistic ships, an in-shore Patrol Craft 7 Defender Class Boats to over-sea an area of over 64,000 square nautical miles. The country has also established the Marine Police Unit to boost the efforts of the Navy. It has acquired and installed the VTMIS which consists of eight sites of remote sensor installed along
the entire coast of Ghana from Keta to half Assini, for the purpose of enhancing Maritime Domain Awareness to provide 24 hour electronic surveillance data on Ghana’s coastline including its EEZ to ensure protection of marine resources. Laws that seek to protect the youth and the coastal areas from the vagaries of the oil industry have been passed. An example is the Local Content Development and Participation in Petroleum Activities law 2013 (L.I 2204) which sets a goal of 90% local content in the industry by the year 2020. The Petroleum Revenue Management Act (PRMA) 2011 has also been passed to detail exactly the actual sources of the expected revenue and how it is to be managed and spent. Agencies and departments in charge have also been empowered legally and supported in the performance of their duties for greater efficiency.

Ghana has actively participated in a number of regional responses through the sharing of ideas and intelligence. It has also participated in various training programmes over the years as part of measures to roll out anti-piracy strategy in the Gulf of Guinea. Several meetings of stakeholders have been held at the regional level. Meetings of Foreign and Security Ministers of ECOWAS and ECCAS held often, so also summits of Heads of State and Leaders of ECCAS, ECOWAS as in the GGC in Yaoundé, Cameroon, on 24-25 June, 2013. It is interesting to note however, that collaboration with regional partners as indicated above have been limited to talk shops with little done concretely to launch joint effort at sea.

4.2 Conclusion

A holistic approach is what is needed on the part of the state and also at the international level to ensure safety on our waters. It is therefore apt to conclude that any effort to fight the menace of piracy in the Gulf of Guinea will require the establishment of effective community
security as captured in the framework for this study. To enable Gulf of Guinea states to face up to the challenge of piracy in the sub-region, it is imperative that the concept of ‘sea blindness’ that is pervasive in the region is challenged. Having observed the discovery of oil and gas offshore in most of the member countries, the strategic importance of the maritime domain has become apparent. National security strategies need to give effect to this recognition. The points discussed below are the suggestions proffered by the researcher to tackle the piracy menace.

4.3 Recommendations

Maritime security, being a multi-faceted discipline involves many different ministries, departments and agencies coming together. It is imperative that the state develops a national maritime security strategy which would delineate responsibilities of the various agencies and departments and also establish coordinating mechanisms. For example there may not be an effective maritime security strategy in the Gulf of Guinea without the coordinated efforts of the Police service and the Armed Forces. It is in the light of this that the creation of the Maritime Police Unit of the Police Force is lauded. The very nature of threats in the maritime environment presupposes that the security agencies of the country especially the Navy would continue to play the leading role in responding to the threats at sea. They thus need to be well-equipped for the task. It is also important to include the Ministries and departments in Charge of Finance and Budget, Transport, Agriculture and fisheries and Aquaculture as well as of Energy and all other collaborative agencies who support the efforts at sea and land. Already in this regard, collaboration between the Navy and agencies such as National Security Secretariat, NACOB, Ministry of Fisheries, Ghana Maritime Authority and a host of others have been very fruitful. It is hoped that a National Maritime Security Strategy would be passed into law to give the
relationship a binding legal effect. The national strategies would then feed into the integrated regional strategies.

Then there will be the need to build on the political will and commitment of leaders of the state to ensure the implementation of these strategies. Leaders must give the necessary support in the form of financial, logistics and human resources needed. States will have to set aside enough money for this purpose from their annual national budgets, especially so because of donor fatigue that is experienced lately among development partners. Ghana, having realized the negative impacts of piracy on its economy has taken steps towards ensuring much safer territorial waters. Laws to that effect have been passed as discussed in previous chapters to make the activities of piracy and other water related crimes unpopular and there have been a concerted effort on equipping and empowering maritime related departments and agencies that are the watch dogs. “Even if a state has the information, even if the state has well-trained coast guards, and even if the state has incorporated all the right laws,” Dr. Bueger explains, “without vessels, the state is powerless.” Thus the laws and policies on paper alone will not solve the problem. The departments and agencies responsible must be seen to be up and doing.

It is submitted also, that given that crime on our seas are not only territorial but international also, it is important that there is a collaborative effort not only at the national level but also between all littoral states in the sub-region and beyond. Routes used by ships pass through multiple jurisdictions, and this means that any solution has to be multilateral as a crime might begin in one jurisdiction and end up in another jurisdiction. Currently efforts have been made by way of signing the Yaounde “Code of Conduct” which comes with roles and responsibilities for member states. Efforts made at the regional level of all littoral states e.g. the Regional Coordination Centres, established to cooperate with the Inter regional Coordination
Centre (ICC) opened in Yaoundé, Cameroon must be supported by national governments in order to be effective. For this reason, littoral states should facilitate cooperation between Navies, Coast guards, customs and police forces amongst them for anti-piracy operations. This cooperation may include Joint anti-piracy patrols and surveillance operations for increased presence at sea, information and intelligence-sharing, and by creating agreeable rules and regulations for conduct of Hot Pursuit. It is also necessary to ensure that excesses arising from hot Pursuits by patrol teams of partner countries are settled amicably. In order for such a strategy to work, a number of measures would need to be implemented.

On the larger international front, although Europe and America may not engage in the Gulf of Guinea as it happened in the Horn of Africa, they have much at stake in the region. European Ship Owners Association (ECSA) has explained that a vessel may be owned by an EU company even if it carries a non-EU flag, or a European ship may be chartered to a non-EU company. Non-EU vessels may also be carrying goods between Africa and EU ports, or European goods worldwide. Any disruption to trade in the region results in higher prices for European consumers, and severely affects business for EU companies and its counterparts in the sub region. Thus the need for littoral states to seek continues support from, and greater collaboration with international partners especially in the areas of logistics and training for their Navies and coast guards to outwit the sophistication of pirates in the region.

It is also hope that legal regimes both at the state level and especially at the international level, for instance the UNCLOS law against piracy as discussed in previous chapters is made wider to capture all scenarios and stricter in punishment. The nexus between corrupt state officials and criminal gangs should be identified and prohibited. In this regard, issues like the distinction between piracy and armed robbery, jurisdiction and sovereignty, government and or
institutional involvement should be addressed and especially the prohibition of the bases and market for pirate proceeds sometimes known as the black market. The current law on piracy as per the UNCLOS is just too limited and does not factor in the issues raised above so offenders definitely take advantage of the loopholes to escape liability. Ghana’s prohibiting Act captures it wide enough, but nothing is said about the market base for the stolen oil.
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